

Workplace Bullying and Harassment: Exploring Promising Interventions

Chantal Beaudry
Masters of Arts in Dispute Resolution
School of Public Administration
University of Victoria

August 2014

- Client:** Gillian Lindquist, Program Coordinator and Executive Director
Restorative Justice Victoria (RJV)
- Supervisor:** Dr. Kim Speers, Assistant Teaching Professor
School of Public Administration, University of Victoria
- Second Reader:** Dr. Thea Vakil, Associate Professor and Associate Director
School of Public Administration, University of Victoria
- Chair:** Dr. Richard Marcy, Assistant Professor
School of Public Administration, University of Victoria

Executive Summary

Project Objective

In response to changing legislations and new policies, Restorative Justice Victoria (RJV) is investigating how to support workplaces to respond to bullying and harassment using restorative and transformative interventions. The objective of this Master's Project is to assist with this initiative by investigating how bullying and harassment is currently being addressed in the workplace. Specifically, this project investigates what intervention strategies conflict practitioners are using to address allegations of workplace bullying and harassment. The goal is to provide RJV with an overview of how allegations of workplace bullying and harassment is currently being addressed in order to determine whether there is a need and a place for restorative and transformative interventions in the workplace to address bullying and harassment; and, if so, to determine under what circumstances RJV can offer restorative and transformative practices to organizations.

Literature Review

While there has been significant amount of research conducted on the concept, the impact, and organizational responses to workplace bullying and harassment, there is little available research on how allegations of workplace bullying and harassment is currently being addressed by conflict practitioners. The literature on workplace bullying and harassment focuses on the earlier classification of intervention strategies according to escalation models, on the appropriateness of mediation, on how organizations are responding to workplace bullying, on the use of multi-level interventional strategies, and on restorative interventions. The researcher did not find a detailed list of interventions, for example, that outlines the benefits and challenges of each intervention, when each intervention is appropriate and when it is not.

This literature review found that workplace bullying should be conceived not only as affecting the target and the person who did harm, but as negative behaviours that also affect the workgroup, and the organization (Heames & Harvey, 2006; Johnson, 2011; Saam, 2010; Jenkins, 2011). The literature on workplace bullying and harassment therefore suggests using a multi-levelled approach to address not only the needs of the individuals, but also the needs of the workgroup and the organization. This review found restorative intervention practices offer an opportunity to address the needs of individuals, the group and the organization. The authors that recommend a multi-levelled approach do not, however, consider restorative practices in their list of appropriate interventions to use.

Methodology and Methods

A qualitative methodology was chosen to gather rich data on how allegations of workplace bullying and harassment are currently being addressed. Qualitative research generates non-numerical data. It focuses on understanding a research query as an idealistic or humanistic approach and is used to understand people's beliefs, experiences, attitudes, behaviours, and interactions (Pathak et al, 2013, para. 2). Specifically, this project adopts a mixed qualitative approach. It borrows from three qualitative methodologies: interpretative phenomenological analysis, current state ecosystem analysis, and needs assessment.

The researcher explored the research question in two ways. First, a literature review was conducted that examines the definition of workplace bullying and harassment, definitions of transformative and restorative practices, and also offers an overview of the literature on interventions used to address workplace bullying and harassment. Semi-structured interviews were then conducted with workplace conflict practitioners in Canada, the United-States and Australia. The interviews explored how these

workplace conflict practitioners respond to allegations of workplace bullying and harassment, the conflict resolution interventions they use, the benefits and challenges with these interventions, when they are appropriate and when they are not. The interviews also explored the participants' views on transformative and restorative practices and on the new workplace bullying legislation and policies in BC. The interviews furthermore explored recommendations from the participants of this study for RJV if they decide to initiate and promote restorative and transformative interventions to address allegations workplace bullying and harassment.

An inductive thematic analysis of the interview data was conducted. Inductive thematic analysis requires that the identification of themes is strongly linked to the data itself. This process of coding data does not involve trying to fit the data into a pre-existing coding frame, or the researcher's preconceptions (Braun & Clarke, 2006). This method of data analysis was chosen in order to conserve the integrity of the participant's views and to include rich details.

Highlights of Interview Findings

This study has found there are numerous appropriate interventions used to address workplace bullying and harassment. The practitioners in this study all had a different approach. Some participants used investigations whereas others used mediation, conflict coaching, Abrasive Boss Coaching, workplace conferences, peacemaking circles, group processes and training. All these interventions, detailed in the interview findings chapter of this report, have been found to have benefits, challenges, and seem to be appropriate to address allegations of workplace bullying and harassment given the right circumstances.

This study has also found it is important for workplace conflict practitioners to assess the situation before deciding what intervention to use. Most of the participants in this study all stated they do a thorough assessment of the situation before deciding what the problem is and what to do about it. This is done by interviewing the parties (the complainant(s), the respondent(s), union representatives, managers, workers) to gain an understanding of what has occurred, who was involved, what kind of behaviours are being exhibited and over what period of time.

Using a multi-levelled approach is also important. Most of the participants argued addressing specific symptoms involves custom designing multi-levelled interventional approaches to address the specific needs of the parties, management, and the organization because simply using one intervention might not be enough to resolve the situation. They all stated this multi-levelled approach brings more robust, long term, and deeper systemic answers to problems. Most of the participants also argued that choosing an appropriate course of action essentially depends on what the situation looks like.

Recommendations

RJV should consider the following recommendations if they decide to initiate restorative and/or transformative interventions in the workplace to address bullying and harassment.

Recommendation 1: Restorative Justice Victoria should conduct a thorough assessment of the situation before deciding which intervention(s) they ought to use to address the bullying and harassment situation.

Recommendation 2: Restorative Justice Victoria should always liaise and consult with workplace conflict practitioners that specialise in different interventions to address workplace bullying and harassment in order to offer a multi-levelled interventional approach to clients.

Recommendation 3: Restorative Justice Victoria should produce a brief online pamphlet to make it easy for practitioners to access and use the findings of this research.

Workplace Bullying and Harassment: Exploring Promising Practices

Recommendation 4: Restorative Justice Victoria should consider the business recommendations from Participants 4, 5 and 9. RJV should initiate workplace restorative interventions in the non-profit sector, should work in pairs, and have a way of communicating learning. RJV should also be clear about what workplace conflict resolution processes they are offering, to agree on a maximum of three processes, and become very good at them. RJV should also plan how they will hire and train facilitators, and how they will obtain clients and that they should absolutely charge for their services in the workplace.

Recommendation 5: Restorative Justice Victoria should use the words “complainant” and “respondent” when referring to parties in a workplace bullying and harassment situation.

Table of Contents

Executive Summary	2
1.0 Introduction.....	7
1.1 Project Objective and Problem	7
1.2 Client Information and Rationale.....	7
1.3 Organization of Report	8
2.0 Background	10
2.1 Workers Compensation Amendment Act (WCAA)	10
2.2 Worksafe BC Policies on Workplace Bullying and Harassment	11
2.3 Workplace Bullying Prevention Acts: Bill M212 and Bill M203.....	12
3.0 Literature Review.....	14
3.1 The Definition of Workplace Bullying and Harassment.....	14
3.2 Restorative and Transformative Interventions	15
3.3 Intervention Practices Used to Address Workplace Bullying and Harassment	17
3.4 Summary of Literature Review Findings	20
3.5 Conceptual Framework	20
4.0 Methodology and Methods	22
4.1 Methodology	22
4.2 Methods.....	22
4.3 Data Analysis	23
4.4 Project Limitations and Delimitations	24
5.0 Interview Findings	25
5.1 General Findings.....	25
5.2 Overview of Interventions Used to Address Workplace Bullying and Harassment	26
5.1.1 Investigations	27
5.1.2 Mediation	29
5.1.3 Conflict Coaching	31
5.1.4 Abrasive Boss Coaching	32
5.1.5 Restorative Workplace Conferences	34
5.1.6 Peacemaking Circles	38
5.1.7 Group Interventions	39
5.1.8 Training.....	40

Workplace Bullying and Harassment: Exploring Promising Practices

5.2 Transformative and Restorative Interventions	41
5.3 Participants' Views on the New Worksafe BC Policies	42
5.4 Suggestions from the Participants.....	42
6.0 Discussion of the Findings.....	44
6.1 Overview of Workplace Bullying and Harassment Interventions	44
6.1.1 Mediation	44
6.1.2 Workplace Conferences.....	45
6.1.3 Multi-Levelled Approach to Workplace Bullying and Harassment.....	46
6.2 Need and a Place for Restorative and Transformative Interventions	46
7.0 Recommendations and Implementation Strategy.....	48
8.0 Conclusion	51
Bibliography	52
Appendices.....	58
Appendix 1: Workplace Conference Process.....	58
Appendix 2: Participant Consent Form.....	59
Appendix 3: Draft Interview Questions	62
Table A	24
Table B.....	28
Figure A	22

1.0 Introduction

This chapter describes the project objectives and the perceived problem, as well as the client information and rationale for the study. This chapter also details how this report has been organized.

1.1 Project Objective and Problem

British Columbia has recently seen the introduction of new legislation, policies, and bills concerning workplace bullying and harassment. Worksafe BC has accepted new policies which state employers in British Columbia must now address allegations of bullying and harassment, and create workplace bullying and harassment policies. New legislation now states workers suffering from mental illness caused by workplace bullying and harassment can be compensated for the harm done. New bills have also recently been introduced to the legislature proposing the introduction of workplace bullying and harassment laws for British Columbia. In the context of this change in legislation, of these new policies, and recent bills, the question arises: How is workplace bullying and harassment currently being addressed?

In response to changing legislations and new policies, Restorative Justice Victoria (RJV) is investigating how to support workplaces to respond to bullying and harassment using restorative and transformative interventions. The objective of this Master's Project is to assist with this initiative by investigating how bullying and harassment is currently being addressed in the workplace. Specifically, this project investigates what intervention strategies conflict practitioners are using to address allegations of workplace bullying and harassment. The goal is to provide RJV with an overview of how workplace bullying and harassment is currently being addressed in order to determine whether there is a need and a place for restorative and transformative interventions in the workplace to address bullying and harassment; and, if so, to determine under what circumstances RJV can offer restorative and transformative practices to organizations.

Workplace bullying and harassment is a big problem in Canada. In 2014, the Workplace Bullying Institute reported that 27% of workers have suffered abusive conduct at work, 21 have witnessed it and 72% are aware that workplace bullying happens. Properly addressing allegations of workplace bullying and harassment is not an easy task for conflict practitioners. The problem is that there is little evidence to provide direction to practitioners on what is the best course of action to take and when. For example, there is no book or magic table that contains a list of the benefits, the challenges and the appropriateness of interventions used to address allegations of workplace bullying and harassment. This is a big problem because practitioners in the field need to understand the spectrum of available interventions when they are deciding on a best course of action. This problem affects the efficiency of practitioners, and the quality of direction workers are receiving from practitioner.

While there has been a significant amount of research conducted on the definition, the concept, the impact, and organizational responses to workplace bullying and harassment, there is little available research on how allegations of workplace bullying and harassment are currently being addressed by practitioners. The best way to explore this issue is therefore by interviewing practitioners in the field. Understanding the spectrum of available interventions (the benefits, the challenges, and the appropriateness of interventions) will give RJV an idea of what interventions they should be using and when.

1.2 Client Information and Rationale

The client for this Masters Project is Restorative Justice Victoria (RJV). Restorative Justice Victoria is a local not-for-profit organization that offers restorative justice dialogues in the Victoria area. Restorative

justice dialogues involve bringing the victim of a crime, the offender, their support persons, and community members together to have a facilitated discussion about what happened, who was hurt, what their needs are, whose obligations are these, and what needs to be done to make things right (Zehr, 2002, p. 38-47). These dialogues are collaborative, victim-centered, and community-based alternative dispute resolution mechanisms that focus on repairing the harm, holding offenders accountable and responsible for their actions, and engaging all those who have a legitimate interest in the offence and its resolution (Zehr, 2002, p. 22-24).

Restorative Justice Victoria's mandate is to "address crime and conflict in the community through restorative practices, and secondly, to engage in public education and outreach to ensure a broad base of support for, and participation in, community justice" (About Us, n.d.). Volunteer practitioners at RJV offer restorative justice services at no cost to clients referred by their community partners such as the Crown, the police, the Insurance Corporation of British Columbia (ICBC), and the University of Victoria (What Do We Do, n.d.). Restorative Justice Victoria also accepts referrals from businesses, individuals and organizations on a fee for service basis.

The rationale for this study stemmed from RJV's desire to know more about available interventional approaches to address workplace bullying and harassment, and to confirm the processes they use in the criminal justice system are applicable to the workplace. It also stemmed from a desire to understand how their restorative and transformative processes fit into the spectrum of interventions used to address workplace bullying and harassment complaints. This research was initiated to create a clear picture of the interventions conflict practitioners are using to address workplace bullying and harassment in order to provide guidance to RJV practitioners in deciding what interventions they should use and when. This research was also initiated to understand if there is a need and a place for restorative and transformative interventions to address workplace bullying and harassment, and to understand how RJV can offer restorative and transformative intervention services to organizations wanting to address workplace bullying and harassment.

1.3 Organization of Report

This report is divided into eight chapters: 1.0 Introduction, 2.0 Background, 3.0 Literature Review, 4.0 Methodology and Methods, 5.0 Interview Findings, 6.0 Discussion of the Findings, 7.0 Recommendations and Implementation Strategy, and 8.0 Conclusion.

The Introduction chapter describes the project objectives and the perceived problem, as well as the client information and rationale for the study.

The Background chapter provides information on the new workplace bullying and harassment legislation, policies and bills in British Columbia. It also discusses the significance of these efforts for workers, and for the field of conflict resolution.

The Literature Review chapter establishes a theoretical understanding for workplace bullying and harassment interventions and defines the key terms associated with the field. This chapter furthermore offers a conceptual framework for the research.

The Methodology and Methods chapter details how this study was conducted. Specifically, this chapter details the project methodology, the method, how the data was analysed, as well as the project limitations and delimitations.

The Interview Findings chapter explores the data collected from the interviews. The interview findings include the participants' views on appropriate interventions to address allegations of workplace bullying

Workplace Bullying and Harassment: Exploring Promising Practices

and harassment. Participants offered detailed information on benefits and challenges of each intervention, as well as information on when each intervention is appropriate and when it is not. This chapter also explores the participants' views on whether there is a need and a place for restorative and transformative interventions to address workplace bullying and harassment, and on the new legislation and policies in British Columbia. Suggestions from the participants for RJV are also detailed in this chapter.

The Discussion of the Findings chapter offers an analysis of the interview findings, and discusses the significance of these findings for RJV. The discussion also links the findings of this research to the literature review and the conceptual framework.

The Recommendations and Implementation Strategy chapter, discusses how RJV can offer restorative and transformative intervention services to organizations wanting to address allegations of workplace bullying and harassment. It also evaluates how RJV can implement these recommendations.

The last chapter of the report discusses the researcher's thoughts and conclusions.

2.0 Background

British Columbia has recently seen legislative changes, policy initiatives, and new bills in response to workplace bullying. The *British Columbia Workers Compensation Act (WCA)* was amended in May 2012 to allow compensation for victims of workplace bullying and harassment. Worksafe BC created three new policies on workplace bullying and harassment that became effective November 1st, 2013, and two workplace bullying and harassment bills were introduced to the BC Legislature in February 2012 and February 2013. This chapter provides background on this recent change in legislation, on the new policies, and the recent bills. It also discusses the significance of these efforts for workers, and for the field of conflict resolution.

The objective of this chapter is to inform Restorative Justice Victoria (RJV) on the state of workplace bullying and harassment legislation and policy in British Columbia. The legislation and the policies explored in this chapter will help RJV understand the shift that is happening in British Columbia in thinking about workplace bullying and harassment as a health and safety issue.

2.1 Workers Compensation Amendment Act (WCAA)

In July 2012, British Columbia joined Manitoba, Ontario, Québec and Saskatchewan in introducing legislation on workplace bullying and harassment. The British Columbia *Workers Compensation Act* (1996) was amended to allow workers to be compensated for a mental disorder if the disorder is either due to a traumatic event in the course of a worker's employment or is caused by a significant work-related stressor like harassment or bullying (*Workers Compensation Amendment Act*, 2011):

Subject to subsection (2), a worker is entitled to compensation for a mental disorder that does not result from an injury for which the worker is otherwise entitled to compensation, only if the mental disorder (a) either (i) is a reaction to one or more traumatic events arising out of and in the course of the worker's employment, or (ii) is predominantly caused by a significant work-related stressor, including bullying or harassment, or a cumulative series of significant work-related stressors, arising out of and in the course of the worker's employment. (*Workers Compensation Amendment Act*, 2011)

The provision states that workers may only be allowed compensation if they have developed a mental disorder that is diagnosed by a psychologist or a psychiatrist. It also states that workers are entitled to compensation for a mental disorder if it is not caused by an employer's decision relating to a worker's employment:

Subject to subsection (2), a worker is entitled to compensation for a mental disorder that does not result from an injury for which the worker is otherwise entitled to compensation, only if the mental disorder (b) is diagnosed by a psychiatrist or psychologist as a mental or physical condition that is described in the most recent American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders at the time of the diagnosis, and (c) is not caused by a decision of the worker's employer relating to the worker's employment, including a decision to change the work to be performed or the working conditions, to discipline the worker or to terminate the worker's employment (*Workers Compensation Amendment Act*, 2011).

Although this legislation mentions that targets of workplace bullying and harassment can now be compensated in British Columbia, it does not define workplace bullying and harassment. As of yet, British Columbia does not have a legal definition of workplace bullying and harassment.

This legislative change is significant because targets of workplace bullying and harassment in British Columbia can now be compensated for the harm done to them. This change is also significant because it

recognizes that workplace bullying not only affects workers' productivity, but also that bullying and harassment can affect a worker's health and well being.

2.2 Worksafe BC Policies on Workplace Bullying and Harassment

Worksafe BC is legally tasked with administering the *Workers Compensation Act* (1996) for the Ministry of Open Government, Labour, and Citizen's Services. The *Workers Compensation Act* (1996) 'gives Worksafe BC the legal authority to set and enforce occupational health and safety standards and establish policies regarding compensation, assessment, rehabilitation, and occupational health and safety.' (Legislation and Regulation, n.d.) Within this jurisdiction, Worksafe BC is tasked with ensuring workplace health and safety by monitoring workplace compliance through the *Occupational Health and Safety Regulations* (OHSR). (Occupational Health and Safety, n.d.; Legislation and Regulation, n.d.). Included in these regulations are legal requirements for workplaces, policies and procedures for incident prevention, guidelines for interpreting and following the requirements and policies, and minimum compliance safety standards (Occupational Health and Safety, n.d.).

At the same time the *Workers Compensation Amendment Act* (2011) was introduced in the Legislature, Worksafe BC proposed three new occupational health and safety policies to address workplace bullying and harassment: (1) Employer Duties—Workplace Bullying and Harassment D3-115-2; (2) Worker Duties—Workplace Bullying and Harassment D3-116-1; and (3) Supervisor Duties—Workplace Bullying and Harassment D3-117-2 (Worksafe BC, n.d. a). Worksafe BC proposed these policies because the *Workers Compensation Act* (1996) and the OHSR do not properly address workplace bullying (Worksafe BC, 2012, p.1). For example:

- (a) The *Workers Compensation Act* (1996) requires that employers, workers, and supervisors ensure the health and safety of all persons (WCA, 1996). It does not, however, acknowledge that a healthy and safe workplace should be free of workplace bullying or harassment. It furthermore does not offer a definition of workplace bullying and harassment, nor does it outline any obligations of workers, supervisors and employers on how to prevent and address workplace bullying and harassment.
- (b) In its turn, the OHSR also does not adequately address workplace bullying. The OHSR defines improper behaviour and violent conduct as "the attempted or actual exercise of any physical force so as to cause injury to a worker, and includes any threatening statement or behaviour which gives a worker reasonable cause to believe that he or she is at risk of injury" (OHSR, 2012). This definition focuses on physical violence. It does not address all forms of workplace bullying like spreading malicious rumours, belittling, undermining, intimidating a person, or isolating someone socially.

Worksafe BC therefore created the new policies to clarify the obligations of workers, supervisors, and employers to create and maintain a healthy and safe work environment. Included in the new policies is an official definition of workplace bullying and harassment. Worksafe BC defines workplace bullying and harassment as "including any inappropriate vexatious conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated, offended, or intimidated, but excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment" (Worksafe BC, 2012, p.4). This definition of workplace bullying and harassment is not complete. It does not directly define workplace bullying and harassment. It simply states what it includes and what it excludes.

The new policies provide guidance for how employers, supervisors and workers are ensuring health and safety in the workplace. According to the new policies: (1) Employers must now develop policies on workplace bullying, develop policies for workers to report incidents of workplace bullying, investigate and document complaints or incidents of bullying, and provide training for supervisors and workers on

workplace bullying (Worksafe BC, 2012, p.5). (2) Workers must not engage in bullying and harassment of other workers, must report bullying, and comply with bullying policies and procedures (Worksafe BC, 2012, p.6); and (3) Supervisor must comply with and apply the policies the employer has in place to prevent bullying (Worksafe BC, 2012, p.6). These new policies were accepted by Worksafe BC's Board of Directors in March of 2013, and came into effect on November 1, 2013 (Worksafe BC, n.d. b).

How organizations ought to be addressing workplace bullying and harassment is up to each individual organization. Employer Duties—Workplace Bullying and Harassment D3-115-2 only mentions one possible solution to address workplace bullying and harassment: investigations. Worksafe BC's workplace bullying and harassment handbook simply states the purpose of an investigation is to determine whether bullying or harassment has occurred (Worksafe BC, n.d. a). The Worksafe BC investigation guide notes that investigations should include: (1) a review of the workplace policy statement and procedures on bullying and harassment; (2) a meeting with each party separately to explain the investigation process; (3) the selection of a fair and impartial internal or external investigator; (4) gather evidence by interviewing the parties and witnesses; (5) reviewing the evidence and determining whether bullying and harassment occurred; (6) discussing the findings; (7) taking corrective action; and (8) keeping a record of the investigation (Investigation Guide, n.d., p. 2-3).

This policy initiative reflects the growing concern about bullying and harassment in the workplace. It is significant because British Columbia workplaces are now directed by an official definition of workplace bullying and harassment, by a requirement to create official policies and by a requirement to address allegations of bullying and harassment in the workplace. What is important to note is that this new definition of workplace bullying and harassment recognizes personal bullying and harassment as legitimate. Physical violence in the workplace and bullying and harassment on the grounds of human rights is illegal in BC (i.e. bullying about sexual orientation and gender). Before the new Worksafe BC policies, bullying and harassment that did not have a human rights component or did not include physical violence was not officially recognized; that is, before these policies, it was perfectly legal to be abusive and to bully in the workplace. You could not harass or bully someone on the basis of their sex or their race, you could not be physically violent with a co-worker, but you could technically be abrasive and engage in bullying and harassment.

These new policies are important for the field of conflict resolution because they are recognition that workplace bullying and harassment is an issue that needs conflict resolution guidelines, policies and legislation. These new policies are significant because workplace conflict practitioners in British Columbia will now have official policies to guide their work. It could also be argued that since workplaces now have to address and document complaints of workplace bullying, there might be more of a demand for workplace conflict practitioners.

2.3 Workplace Bullying Prevention Acts: Bill M212 and Bill M203

In 2012 and 2013, two workplace bullying and harassment bills (Workplace Bullying Prevention Act, Bill M212, 2012; and Bill M203, 2013) were introduced to the British Columbia legislature by MLA Raj Chouhan. These bills were introduced to respond to workplace bullying and harassment by modifying the *Workers Compensation Act* (1996) to allow incidents of workplace bullying and harassment to be investigated, compensated and dealt with in the same manner as workplace accidents by requiring employers of 10 or more employees to create policies on bullying and harassment; and by providing less strenuous requirements for the award of compensation for mental stress for victims (Workplace Bullying Prevention Act, Bill M212, 2012; and Bill M203, 2013). The bills received a first reading at the legislature on February 29, 2012 and February 26, 2013. On both occasions, the Assembly agreed the bills would be placed on orders of the day for a second reading at the next sitting of the House. As of May 2014, the bills have not received a second reading.

Workplace Bullying and Harassment: Exploring Promising Practices

Although Worksafe BC has interpreted the *Workers Compensation Act* (1996) to require workplace bullying policies, British Columbia still does not have official workplace bullying and harassment laws that define workplace bullying and harassment and require interventional policies. If accepted, these changes (Bill M212, 2012; and Bill M203, 2013) to the *Workers Compensation Act* (1996) would be significant to the field of conflict resolution. British Columbia would be officially and legally recognizing the need for conflict resolution practices to address bullying and harassment in the workplace. British Columbia would also have a legal definition of workplace bullying and harassment. A legal definition would be helpful for British Columbia because the Worksafe BC definition of workplace bullying and harassment does not say what workplace bullying and harassment is. It simply states what workplace bullying and harassment includes and excludes.

In the context of this change in legislation, of these new policies and bills, the question arises: How is workplace bullying and harassment currently being addressed? Worksafe BC has determined investigations are an appropriate intervention to use to address allegations of workplace bullying and harassment. Restorative Justice Victoria (RJV) is however interested in exploring restorative and transformative practices as an effective and appropriate intervention response to addressing allegations of workplace bullying. The objective of this research is to provide RJV with an overview of how workplace bullying and harassment is being addressed, to determine whether there is a need and a place for restorative and transformative interventions to address workplace bullying and harassment in the workplace, and, if so, determine under what circumstances RJV can offer restorative and transformative practices to organizations.

3.0 Literature Review

The objective of this literature review is to establish a theoretical understanding for workplace bullying and harassment interventions and to define the key terms associated with the field. This literature review therefore defines what workplace bullying and harassment is, and defines what transformative and restorative practices are. It also offers an overview of the literature on intervention practices used to address workplace bullying and harassment. This chapter concludes by discussing the gaps in the available research and why this particular study is needed.

The literature review is based on books, journal articles, online articles, and conference paper submissions available on the Internet and through the University of Victoria Library. The main databases the researcher employed were Web of Science, EBSCO Host, JSTOR and Restorative Justice Online. The key words used to search for documents and books included: workplace, bullying, harassment, restorative, transformative, intervention, approach, conflict, dispute, coaching, abrasive management, investigation, and mediation. All of these words and more were used in different combinations to achieve search results.

3.1 The Definition of Workplace Bullying and Harassment

The literature on workplace bullying defines bullying and harassment as a serious occupational health and safety issue. Most of the medical literature on workplace bullying and harassment argues that effects of bullying on individuals include serious psychological and physiological risks (Brousse et al, 2008; Pompili et al, 2008; Kivimaki et al, 2003; Moayed et al, 2006). Most organizational literature also suggests there are negative individual impacts from workplace bullying. This includes work related risks like absenteeism, income loss, burnout, lower productivity, and lower job satisfaction (Kivimaki et al, 2000; Bartlett & Bartlett, 2011; Lee & Brotheridge, 2007) and organizational impacts like high staff turnover, low morale, low productivity, legal costs, and health care costs (Soper et al, 2006).

A challenge in discussing workplace bullying and harassment is arriving at a measurable definition. Many different labels have been used to conceptualize bullying and harassment in the workplace: mobbing (Leymann, 1990; Zapf and Einarsen, 2005; Zapf, Knorz & Kulla, 1996), harassment (Bowling, 2006; Bjorkqvist et al, 1994) workplace aggression (Baron & Neuman, 1996), abrasive behaviour (Crawshaw, 2007), and bullying (Sheehan, 1999; Rayner & Cooper, 1997). Crawshaw (2009, p. 263) argues that this “definition proliferation impedes our ability to conceptualize the phenomenon of workplace aggression in clear and consistent terms, and complicates effective collaboration among researchers and practitioners.” Crawshaw’s (2009, p. 264) frustration with the definition leads her to call bullying the “phenomenon.” After much research into definitions of workplace bullying, it is easy to sympathise with this exasperation. It is important for the readers of this report to understand this difficulty with the definition of workplace bullying and harassment. There are many different labels to describe the phenomenon of workplace bullying and harassment and there is no universally accepted definition.

The Canadian Centre for Occupational Health and Safety offers the following definition of workplace bullying: “Bullying is usually seen as acts or verbal comments that could ‘mentally’ hurt or isolate a person in the workplace. Sometimes, bullying can involve negative physical contact as well. Bullying usually involves repeated incidents or a pattern of behaviour that is intended to intimidate, offend, degrade or humiliate a particular person or group of people. It has also been described as the assertion of power through aggression” (Bullying in the Workplace, 2005). In terms of conflict theory, workplace bullying can be defined as ‘an unsolved social conflict having reached a high level of escalation and an increased imbalance of power’ (Zapf & Goss, 2001, p. 497). Bartlett and Bartlett (2011, p.73) argue that types of negative behaviours found in bullying generally fall into three main categories: work-related

bullying, personal (indirect) bullying and personal (direct) bullying. Work-related bullying includes bullying related to workload (i.e. work overload, removing responsibility, delegation of menial tasks, and unrealistic goals), to the work process (i.e. shifting opinions, overruling decisions, controlling resources, and withholding information) and to evaluation and advancement (i.e. excessive monitoring, judging work wrongly, unfair criticism). Personal (indirect) bullying includes isolation, ignoring, excluding, not returning communications, gossip, lies, false accusations, and undermining. Personal (direct) bullying involves verbally attacking/harassing, belittling remarks, yelling, interrupting, persistent criticism, intentionally demeaning, and humiliation.

Rayner & Keasly (2004, p.273) argue that although there are many labels and definitions for workplace bullying and harassment, there are common elements that are used to define abrasive workplace experiences as bullying or harassment. They argue that targets are said to persistently experience negative behaviours. The targets need to experience some harm (either psychological or physical) and have less power than the bully and, thus have difficulty defending themselves. The targets must also label themselves as having been bullied.

As we saw in chapter 3 of this report, Worksafe BC has created three new policies on workplace bullying and harassment. These policies are guided by an official definition of workplace bullying and harassment. Worksafe BC defines workplace bullying and harassment as: “any inappropriate vexatious conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated, offended, or intimidated, but excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment” (Worksafe BC, 2012, p.4). As you can see, Worksafe BC does not make any distinction between the terms ‘bullying’ or ‘harassment,’ nor does it require that the bullying be experienced persistently. It does, however, require that the aggressor knew or reasonably ought to have known that the behaviour would cause the target some harm. What is also interesting about this definition is that it does not outright say what bullying and harassment is. Instead, it defines what it includes and what it excludes.

3.2 Restorative and Transformative Interventions

Restorative Justice Victoria is interested in using restorative and transformative interventions to address workplace bullying and harassment. This section explores the definitions of restorative and transformative.

Restorative Interventions

Restorative practices are community-based, victim-centered, and collaborative approaches to addressing harm. The fundamental premise of restorative practices is that crime or harm is a violation of people and the community, that violations create obligations, and that the central obligation in a conflict situation is to put things right (Zehr, 2002, 19). Restorative practices build social capital by reintegrating offenders into the community, by repairing harm, and by restoring relationships and the balance within a community. They involve storytelling, restitution, emotional engagement, a voluntary commitment to resolving conflict, and, sometimes, apology and forgiveness. Although restorative practices are most commonly practised in the modern day form in the criminal justice system, they have been used in schools, workplaces, and in communities to address a wide range of conflicts, including bullying and harassment.

Restorative Justice Victoria (RJV) offers four different restorative processes: Restorative Justice Dialogues/Conferences, One on One Victim and Offender Mediations, Peacemaking Circles and Community Accountability Dialogues. Restorative Justice Dialogues, or Restorative Conferences, involve

bringing the victim of a crime, the offender, their support persons, and community members together to have a facilitated discussion about what happened, who was hurt, what are their needs, whose obligations are these, and what needs to be done to make things right (Zehr, 2002, p. 38-47). This process is usually guided by two facilitators and involves a significant amount of preparation, and follow-up. It is the most common restorative practice used by RJV (What Do We Do, n.d.).

One on One Victim and Offender Mediations involves a facilitated meeting between the victim and the offender of a crime to repair the harm that has occurred. The outcome of this meeting sometimes produces a plan of restitution and sometimes the dialogue alone satisfies the needs of the victim (What Do We Do, n.d.).

Peacemaking circles are a structured process that brings people together to have a facilitated discussion about important issues in the community. They are unscripted, flexible and can tackle deep issues (What Do We Do, n.d.). The leader of the circle is usually called a keeper and a talking piece is sometimes used to indicate whose turn it is to speak.

Unlike victim and offender mediations, Community Accountability Dialogues occur when there is no participating or surrogate victim representation. In this case, facilitators work with the offender and community members to engage in a restorative discussion and help form an agreement on how to put things right. (What Do We Do, n.d.).

It is important to understand that restorative practices do not have a particular blueprint; that is, there is no universal model of restorative practices that will work for every community (Zehr, 2002, p.10).

Restorative justice can be seen as a compass pointing in the right direction instead of a map that has a specific route (Zehr, 2002, p.10). They are built from the bottom up by community members, and take into account the various complex needs of that specific community.

The two most common restorative intervention practices in the workplace are restorative peacemaking circles, and the more formal, restorative workplace conference. The following definition of workplace peacemaking circles was taken from Hutchinson (2009, p.151). She notes that peacemaking circles to address workplace bullying and harassment involve:

- The facilitator starting the conversation by sharing their concern for the harmed individuals. Each participant is then asked to talk about the situation, whether they have actively or passively participated in the bullying behaviour, and what they think would improve the situation;
- Members of the circle taking responsibility to curb dominating or abusive language, to ensure individuals are supported and not compromised by the actions or words of others, and for the harm they have caused;
- The disapproval of the bullying behaviour occurring in a direct but respectful way, making the acts of bullying the central focus, not the perpetrator;
- Ensuring the focus is on producing constructive strategies for change, instead of focusing on apportioning blame;
- The person who did harm asking what they can do to make things right, and what steps they will be taking to ensure this does not happen again. If other individuals have participated in the bullying, they also make a commitment to not engage in the behaviour into the future;
- The participants in the circle making a commitment to support the perpetrator(s) with their goals to make amends.

Workplace conferences are more formal than workplace circles. Hutchinson (2009, p.150) offers the following definition: "...the victim and their supporters meet with the perpetrator and their supporters to engage in a discussion facilitated by a conference co-ordinator. The process focuses upon the wrong

committed, who has been harmed, and the social network within which the harm has occurred, with a view to censuring past wrongdoing in the context of reading a formal agreement on reparation and future behaviour.” Workplace conferences have three major phases: preparation, the conference and follow-up (Thorsborne, 1999, para. 11-20). For a detailed description of the conference process, please see the excerpt of Thorsborne’s (1999) method in Appendix 1.

Transformative Interventions

Transformative practices are similar to restorative practices. Both encourage participants to experience personal transformation. Transformative interventions can include mediation (Bush and Folger, 1994), conflict coaching (Noble, 2012) or restorative workplace conferences (Moore, 1998). It all depends on how you define transformative.

Mediation is a process in which an impartial third party helps others resolve a dispute or plan a transaction, but does not have the power to impose a binding solution (LeBaron, 2001, p. 121). Bush and Folger (1994, p.29) argue that transformative mediation involves ‘changing not just situations but people themselves, and thus the society as a whole.’ The aim is to transform individuals from weak and selfish to strong and caring. They argue the goal of addressing conflict is transformation aimed at bringing out the ‘intrinsic good’ within human beings and therefore within society. This is achieved through empowerment and recognition. For example, participants are empowered to set goals, to increase their conflict resolution skills, to make decisions, and to gain awareness of resources available to achieve goals. Recognition is achieved when parties become more open, responsive, sympathetic, and attentive to each other.

Conflict coaching is defined as an intervention practice where a neutral third party coaches an individual how to constructively address and manage a conflict. The coachees gain valuable skills and, with the help of a coach, they design an approach or strategy on how to engage with someone in conflict. Cinnie Noble (2012, p.23) argues that her style of conflict coaching adopts certain principles from Bush and Folger’s (1994) transformative framework, notably that people in conflict have the potential or “capacity to change the quality of their interactions and regenerate their relationships and communication, in constructive ways.” Many restorative practitioners who use restorative interventions also see their work as being highly transformative. For example, David Moore (1998, p.84) argues workplace conferences (restorative dialogues in workplaces) have the potential to transform workplace communities, and Kay Pranis’ (2006) found the restorative informal conflict management system at the Minnesota Department of Corrections to have initiated a complete cultural transformation.

The Difference between Restorative and Transformative

Like workplace bullying and harassment, there is no universal agreed upon definition of restorative and transformative practices. Both practices, however, encourage personal transformation. Zehr (2011, para. 6) argues the fundamental difference between transformative justice and restorative justice is that transformative justice creates awareness of larger social issues. For example, transformative practitioners would ask: “What social circumstances promoted the harmful behaviour? What structural similarities exist between this incident and others like it?; and, what measures could prevent future occurrences?” (Zehr, 2011, para. 9) He states that although restorative justice creates space for transformative justice, he has not heard of many cases of true social transformation in restorative justice. For the purposes of this study, the view that will be adopted is that restorative and transformative practices transform participants, communities and conflicts, and thus have the potential to transform society (Harris, 2006, p. 556).

3.3 Intervention Practices Used to Address Workplace Bullying and Harassment

Bullying and harassment interventions have received little attention from academic researchers (Saam, 2010, p.53). The researcher was only able to find one study that explores what interventions strategies are being applied by conflict practitioners: "Interventions in workplace bullying: a multilevel approach" by N. Saam (2010). This study determined that since the parties in bullying situations are not equally capable of negotiating with one another and since mediation fails to address the needs of the group and the organization, mediation is not an appropriate intervention to address workplace bullying and harassment. Saam (2010, p.69) also argued that conflict coaching an appropriate intervention to address individuals and team member's affect by the negative behaviour. This study furthermore determined that organizational development is an appropriate interventional strategy to address workplace bullying and harassment since it addresses negative antecedents and consequences of bullying at the organizational level (Saam, 2010, p.70).

Saam (2010, p.53) argues the focus of the literature on workplace bullying and harassment intervention can be divided into four categories: the classification of intervention strategies according to escalation models, the appropriateness of mediation to address workplace bullying, how organizations are responding to workplace bullying, and the use of cross-level assessments or multi-level interventional strategies. However, the literature review for this study found that the literature on workplace bullying interventions also includes literature on the appropriateness of restorative interventions to address workplace bullying.

For example, Saam (2010, p.53) argues that early research on intervention strategies to address workplace bullying relies on models of conflict escalation that outline when a specific intervention is appropriate and effective for a specific stage in the escalation of a conflict. Saam (2010, p.53-54) mentions that intervention strategies were classified by models of escalation by conflict theorists such as Galsl (1982), Fisher & Keasly (1990) and Rubin et al (1994). For example, Zapf and Gross (2001) use Glasl's (1982) model of conflict escalation to argue that bullying is at a particular stage of conflict escalation that either requires mediation or arbitration.

Workplace bullying and harassment intervention literature also focuses on the appropriateness of mediation. The researcher of this report found some recent studies that found transformative and facilitative mediation to be appropriate to address workplace bullying and harassment (McCulloch, 2010; Jenkins, 2011; Seagriff, 2010). McCulloch (2010, p.45), for example, argues that addressing workplace bullying through mediation does not mean the parties ought to negotiate when they should be bullied: "Mondays, Wednesdays, and every second Friday." Instead, McCulloch argues mediation to address workplace bullying and harassment issues needs to be a safe facilitative process where emotion is acknowledged, and the mediator works with the parties to educate them about the nature of bullying (McCulloch, 2010, p.45). Although mediation is a recommended strategy by many, the appropriateness of mediation is questioned (Saam, 2010, p.54). For example, mediation has been criticized because some say: (a) it focuses on present and future behaviours and does not address past behaviours (Keasly & Nowell, 2003, p. 353); (b) it is a confidential process that keeps wrongdoings from public scrutiny (Keasly & Nowell, 2003, p. 353); and (c) the parties in bullying cases may not be able to equally defend themselves in mediation since there is a power imbalance between the target and the person who did harm. (Keasly & Nowell, 2003, p. 353; Ferris, 2004, p.393) The literature on the appropriateness of mediation to address workplace bullying and harassment is therefore divided.

Many researchers have also focused on organizational responses to workplace bullying (Ferris, 2004; Salin, 2009; Cooper-Thomas et al, 2013; Vessey et al, 2009; Fox & Stallworth, 2009). For example, Ferris (2004, p.389) presents a typology of four organizational responses to workplace bullying: "(1) the behaviour is acceptable; (2) the behaviour is inappropriately equally attributed to both parties as a personality conflict; and (3) the behaviour is harmful and inappropriate." She argues that organizations will not always have a helpful response when employees request help in a bullying situation and that

counsellors should therefore coach individuals wanting to approach an organization for help (Ferris, 2004, p.393).

The literature on workplace bullying and harassment interventions furthermore focuses on cross-level assessments or multi-level interventional strategies where bullying is conceived not only as affecting the target and the person who did harm, but as negative behaviours that also affect the workgroup, and the organization (Heames & Harvey, 2006; Johnson, 2011; Saam, 2010; Jenkins, 2011). According to this research, bullying interventions must consider the needs of the individuals in conflict, as well as the needs of the workgroup, and the organization. This means that many interventions might be used to effectively address the different needs of the different people affected by the behaviour. An interventional strategy might, for example, include mediation, conflict coaching, organizational development, training, building legislation and/or educational campaigns. Johnson (2011, 57-59), for example, conceived of a metaphorical ecological system for the workplace where different needs are represented by different levels of a healthy ecosystem: the microsystem (the bully and the target), the mesosystem (the coworkers and the managers of the bully and the target), the exosystem (the organization as a whole), and the macrosystem (laws governing workplace bullying as well as societal and cultural norms of behaviour). She argues workplace bullying interventions need to consider all the different levels affected by the behaviour in order to properly address the situation and recommends either conflict resolution, team building, conflict resolution workshops, leadership training, and/or evaluations of organizational structures to address bullying in the workplace (Ferris, 2004, p. 60-61).

The appropriateness of restorative interventions is also a theme in the literature on workplace bullying interventions (Thorsborne, 1999; Sebok, 2010; Duncan, 2011; Hutchinson, 2009). Hutchinson (2009, p.149), for example, argues “a limitation of managing bullying as a feature of individual behaviour or individual personality is that little attention is directed towards understanding work group and organizational factors that enable, reward or perpetuate the behaviour.” Unlike mediation, restorative interventions, like workplace conferences and workplace circles, allow all the participants that are affected by a bullying situation to collectively identify the harm, and to actively become engaged in crafting a solution that addresses not only the needs of the individuals, but the needs of the group and of the organization. The authors (Heames & Harvey, 2006; Johnson, 2011; Saam, 2010; Jenkins, 2011) that explore the appropriateness of multi-levelled interventional strategies do not, however, take restorative interventions into account in their analysis of appropriate interventional strategies to address bullying in the workplace.

The appropriateness of restorative interventions is also a theme in workplace conflict resolution (Ritchie & O’Connell, 2001; Kidder, 2007). Workplace conferences have been used as an effective intervention practice to address workplace conflicts in Australia since the mid-90s (Thorsborne, 1999). Restorative interventions are said to be a good tool to rebuild trust and repair damaged relationships (Kidder, 2007, p.4). They are also praised for delivering “reflective benefits which extend beyond the core actors to touch a much wider community” (Ritchie & O’Connell, 2001, p. 149). These benefits include: 1) optimism for peripheral participants; 2) reinforcement of normative behaviour; and 3) confirmation that a fair process for all is an attainable ideal (Ritchie & O’Connell, 2001, p.149-150). Restorative conflict resolution practices have also been used in school settings since the mid-90s to deal with incidents of serious harm (Cameron & Thorsborne, 2001). The literature on restorative justice and school bullying suggests that restorative justice dialogues are an effective and appropriate intervention process to deal with harmful behaviour in school settings. For example, a 2008 study evaluated 18 school based restorative justice programs across Scotland. It found that restorative practices improved relationships within the school. It also found that the restorative justice school programs had a positive effect on the overall climate of the school. Specifically, this study found that restorative conferences offer a “clear framework for development of these approaches, within which pupils (and staff) can acknowledge the potential of social and experiential learning approaches that enable all involved to understand and learn to

manage their interactions with others." (McCluskey et al, 2008, p.212).

3.4 Summary of Literature Review Findings

The literature on workplace bullying and harassment focuses on the earlier classification of intervention strategies according to escalation models, on the appropriateness of mediation, on how organizations are responding to workplace bullying, on the use of multi-level interventional strategies and on the use of restorative interventions. While there has been significant amount of research conducted on these areas, there is little available research on what interventions are currently being used. There is also little available research that provides guidance to practitioners on what interventions they should use and when. The researcher, for example, did not find a detailed list of interventions that outlined the benefits and challenges of each intervention, and detailed when each intervention was appropriate and when it was not.

This literature review found that workplace bullying should be conceived not only as affecting the target and the person who did harm, but as negative behaviours that also affect the workgroup, and the organization (Heames & Harvey, 2006; Johnson, 2011; Saam, 2010; Jenkins, 2011). The literature on workplace bullying and harassment therefore suggests using a multi-levelled approach to address not only the needs of the individuals, but the needs of the workgroup and the organization. This review found restorative intervention practices offer an opportunity to address the needs of individuals, the group and the organization. The authors that recommend a multi-levelled approach do not, however, consider restorative practices in their list of appropriate interventions to use.

3.5 Conceptual Framework

This section of the chapter offers a conceptual framework for the study that was inspired by the literature review. The literature review has shown there is little available research on what interventions practitioners are currently using to address workplace bullying and harassment. There does not seem to be any literature that provides guidance to practitioners on what interventions they should use and when. This literature review has also found that workplace bullying should be conceived not only as affecting the target, but also as affecting the workgroup and the organization. The literature review also suggests that in order for conflict practitioners to be successfully intervening in workplace bullying and harassment situations to address the needs of the targets, the workgroup and the organization, they should be considering a multi-levelled approach. The researchers that considered multi-levelled approaches did not, however, consider the use of restorative interventions to address workplace bullying and harassment.

This research is meant to create a clear picture of what interventions conflict practitioners are really using to address workplace bullying and harassment. Understanding the spectrum of interventions will help provide guidance to RJV practitioners in deciding what interventions they should use and when. It will also help RJV understand if there is a need and a place for restorative and transformative interventions to address workplace bullying and harassment. It will furthermore inform RJV how they can offer restorative and transformative intervention services to organizations wanting to address workplace bullying and harassment.

In order to create a clear picture of what interventions workplace conflict practitioners are currently using to address bullying and harassment, the researcher chose to explore the participants' view on the benefits and challenges of interventions, as well as when each intervention is appropriate and not appropriate. The following chart (see Figure A) details the concepts identified by the literature review, how the researcher chose to explore interventions to address workplace bullying and harassment. It also detail the projected outcomes of this study:

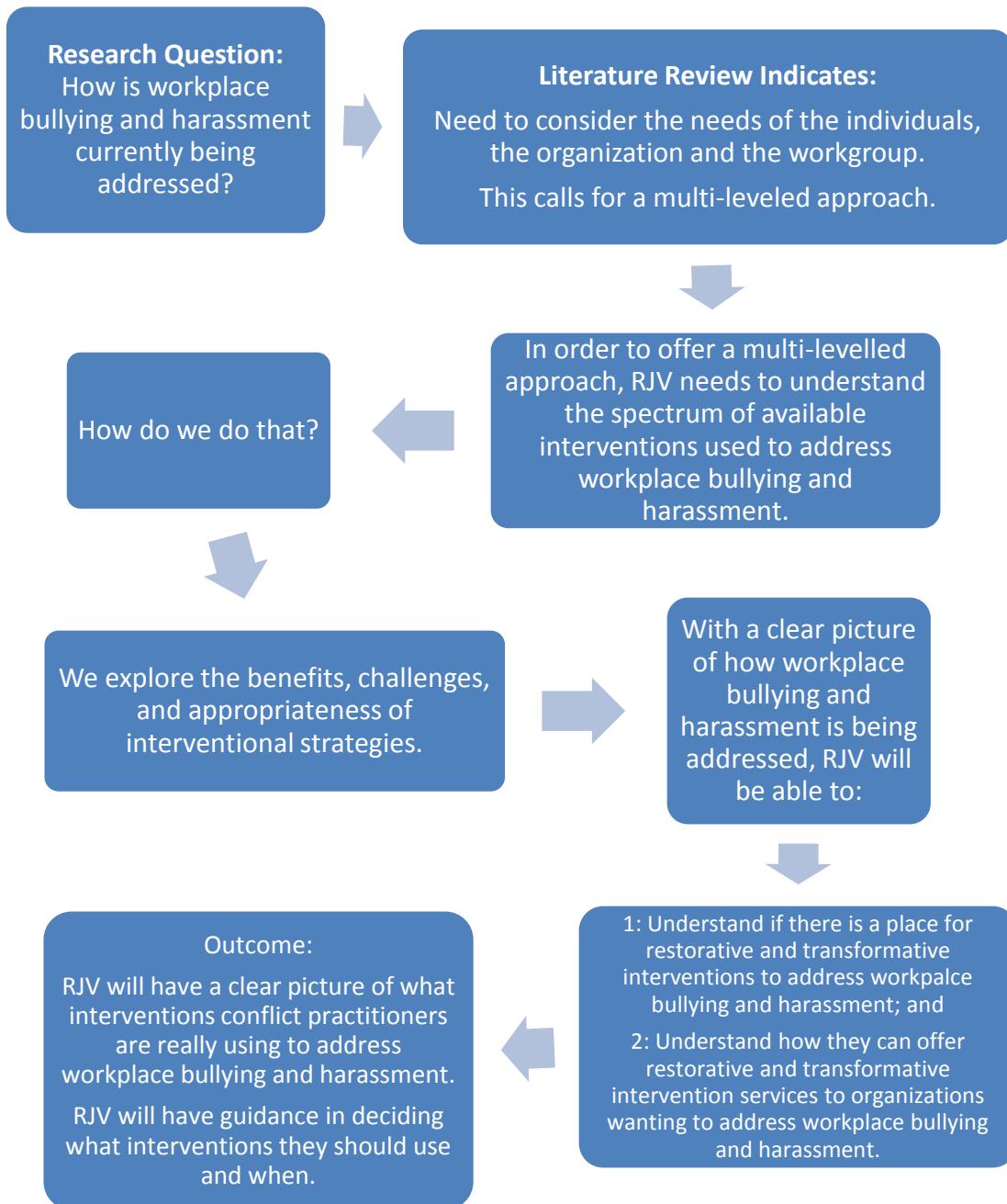


Figure A: This conceptual framework illustrates the concepts from the literature review that inspired the research. It also illustrates the line of reasoning the researcher chose to explore the research question.

4.0 Methodology and Methods

This chapter describes the approach taken by the researcher. Specifically, this chapter details the project methodology, the method, how the data was analysed, as well as the project limitations and delimitations.

4.1 Methodology

A qualitative methodology was chosen to gather rich data on how workplace bullying and harassment is currently being addressed. Qualitative research generates non-numerical data. It focuses on understanding a research query as an idealistic or humanistic approach and is used to understand people's beliefs, experiences, attitudes, behaviours, and interactions (Pathak et al, 2013, para. 2). Specifically, this project adopts a mixed qualitative approach. It borrows from three qualitative methodologies: interpretative phenomenological analysis, current state ecosystem analysis, and needs assessment.

Interpretative phenomenological analysis (IPA) aims to explore personal experience and is concerned with an individual's personal perception as opposed to attempting to produce objective statements (Smith & Osborn, 2003, p.53). This methodology does not attempt to test a predetermined hypothesis; rather, the aim is to explore an area of concern with flexibility and detail (Smith & Osborn, 2003, p.55). An IPA methodology was chosen because the field of workplace conflict management is just burgeoning and is generally unregulated. This study was therefore conducted on the assumption that practitioners in the field of workplace conflict management all have a different subjective approach. An IPA is suited to exploring these participants' personal experiences with workplace bullying and harassment interventions.

This study is not interested in determining what interventions are the best. It is concerned with revealing the current state of workplace bullying and harassment interventions. Restorative Justice Victoria is a non-profit organization that practices restorative interventions in the criminal justice system. In order for RJV to address bullying and harassment in the workplace, it would be beneficial for them to understand the spectrum of available interventions. This project therefore also adopts a current state ecosystem analysis methodology. A current state ecosystem analysis involves understanding how the business ecosystem operates and how the ecosystem can impact the organization in question (Evans, 2010). This project is therefore meant to assess the current state of the ecosystem that is workplace bullying and harassment. It assesses how workplace conflict practitioners are currently addressing bullying and harassment with the goal of understanding how this can impact how RJV is practicing transformative and restorative interventions in the workplace.

This project also assesses how RJV can participate in this ecosystem. This project therefore additionally adopts a needs assessment approach. A needs assessment is a systematic effort to gather information that will help identify the needs in an organization (OVC's Technical Assistance Guide Series, 2010). This project concludes by assessing what RJV needs to do to participate in the field of workplace conflict resolution to address bullying and harassment.

4.2 Methods

Interpretative phenomenological analysis studies generally involve small sample sizes because a detailed analysis of transcripts takes a long time (Smith & Osborn, 2003, p.55). Semi-structured interviews were conducted with 12 workplace conflict practitioners from Canada, the United-States and Australia. The objective of the interviews was to understand how workplace conflict practitioners are responding to workplace bullying and harassment. Participants were asked what conflict resolution interventions they use to respond to workplace bullying and harassment, the benefits and challenges with these interventions, as well as when they think these interventions are appropriate and when they are not. The participants were also asked: 1) how the new legislation and the new Worksafe BC policies have changed

how they are responding to workplace bullying and harassment; 2) if and why they believe there is a need and a place for restorative and transformative interventions in the workplace to address workplace bullying; and 3) what kind of suggestions they had for RJV on how they might approach helping organizations address bullying and harassment in the workplace. The researcher also collected demographic information on the participants in order to understand their point of view. This information was not included in this report so as not to reveal the identities of the participants.

The participants for this study were found by Internet searches and snowball sampling. The recruitment for the interviews was done via email. The researcher and the client participated in inviting practitioners to take part in this study. Although the client was involved in recruiting, interested participants were informed the interviews would be anonymous and were encouraged to contact the researcher directly if they were interested in participating in the study.

The interviews were conducted in person and by phone/Skype. They were recorded, and transcribed word for word. Practitioners from outside Canada were sought out because they had a particular expertise that the researcher was not able to find in Canada. All the participants are skilled, and highly experienced conflict practitioners. Many of the participants are also published authors and known pioneers in the field of workplace conflict management. The researcher interviewed a Director of Human Resources, three practitioners that work in informal conflict management systems, and eight conflict practitioners that run their own conflict management firms. The researcher chose to interview more independent external practitioners because RJV will be acting as an external consultant to organization.

All the participants have extensive experience dealing with workplace bullying and harassment. The table below (Table A) indicates the participant's nationalities, whether they are internal or external practitioners, and their experience in the field of workplace conflict resolution:

Participant #	Nationality	Internal/External to an Organization	Years of Experience in Conflict Resolution
1	Canadian	External	30 years
2	Canadian	Internal ICMS	12 years
3	Canadian	External	20 years
4	Canadian	External	15 years
5	Australian	External	23 years
6	American	External	30 years
7	American	Internal HR	35 years
8	Australian	External	20 years
9	Canadian	External	20 years
10	Canadian	External	13 years
11	Canadian	Internal ICMS	12 years
12	American	Internal ICMS	18 years

Table A: This table illustrates the nationality, the type and the experience of the practitioners in this study. The participants have been assigned a number (i.e. Participant 1, Participant 2) in order to conceal their identities.

4.3 Data Analysis

The data collected from the interviews was analysed thematically. Thematic analysis is a method of identifying, reporting and analysing patterns or themes within data, allowing minimal organization and rich detail (Braun & Clarke, 2006, p. 79). Specifically, an inductive thematic analysis was conducted. Inductive thematic analysis requires that the identification of themes is strongly linked to the data itself. This process of coding data does not involve trying to fit the data into a pre-existing coding frame, or the researcher's preconceptions (Braun & Clarke, 2006, p.83). This method of data analysis was chosen in order to conserve the integrity of the participant's views and to include rich details.

4.4 Project Limitations and Delimitations

This research was an opportunity for practitioners to share promising interventional strategies involved in resolving bullying and harassment in the workplace. It included a broad base of practitioners from different backgrounds, from different geographical regions (Canada, the United-States and Australia) that use different interventional strategies in workplace bullying and harassment situations. Since there is little available research on interventional strategies to address allegations of workplace bullying and harassment, this study might be valuable for researchers and for conflict practitioners wanting to learn more about the benefits, challenges and appropriateness of different interventional approaches. This research might also be valuable to other restorative organizations that are exploring the appropriateness of restorative and transformative interventional strategies in the workplace, and are wondering where their interventions fit in to the spectrum of available interventions used to address workplace bullying and harassment. Furthermore, since there is little available research on the use of restorative and transformative interventions to address workplace bullying and harassment, this study might also be valuable to other researchers wanting to know more about the applicability, the benefits and the challenges of restorative and transformative interventions.

This study does have a few limitations that should be noted. The sample size of the interview participants might limit generalizability of the findings. Due to time and budget constraints only twelve practitioners were interviewed for this study. Although the number of participants in this study is a limitation, all the participants do have a significant amount of experience addressing bullying and harassment in the workplace. On average, the participants of this study have 20 years of experience intervening in workplace bullying and harassment situations.

Interpretative phenomenological analysis (IPA) does not seek to find one single answer or truth (Pringle et al, 2011, p. 22). This methodology is committed to the painstaking analysis of cases rather than jumping to generalizations (Smith & Osborn, 2003, p.56). The readers of this report therefore need, to a certain extent, to draw their own conclusions about the validity of certain claims. This is also a methodology that requires rich data (Smith et al, 2009, p.56). Since the researcher does not have the same level of expertise as the participants, the researcher chose to include as much data as possible so as not to exclude certain opinions.

An inductive thematic analysis was conducted, but since there was a limited amount of participants that could comment on a limited amount of interventions, there were not many themes that were drawn from the data. Not all the participants commented on the use of every intervention since the participants all had their own area of specialization. The participants commented on interventions they use and have either experienced or studied. Further research is needed to ensure a significant amount of participants are commenting on each intervention.

There are also limits to confidentiality. The size of the interview sample is limited, and RJV did suggest certain participants for this study. Although the participants in this study were assigned code names (for example: Participant 1, Participant 2), RJV and the readers of this report might possibly be able to identify the participants by their particular methods, or answers.

5.0 Interview Findings

This chapter details the findings from the interviews the researcher conducted with twelve workplace conflict practitioners from Canada, the United States and Australia. The findings in this chapter includes general findings from the researcher, an overview of workplace interventions used to address workplace bullying and harassment, as well as the participants' views on whether there is a need and a place for transformative and restorative interventions in the workplace to address bullying and harassment. This chapter also explores the participants' views on the new legislation and Worksafe BC policies and the participants' suggestions for Restorative Justice Victoria (RJV) if they decide to initiate and promote restorative and transformative interventions in workplace settings to address bullying and harassment.

5.1 General Findings

Most of the participants (1, 2, 3, 4, 5, 6, 7, 8, 9, and 10) in this study stressed the importance of assessing the situation before deciding what intervention to use. These participants all stated they do a thorough assessment of the situation before deciding what the problem is and what to do about it. This is done by interviewing the parties (the complainant(s), the respondent(s), union representatives, managers, and workers) to gain an understanding of what has occurred, who was involved, what kind of behaviours are being exhibited and over what period of time. They argued workplace conflict practitioners should be appreciating all the different nuances with individual situations and that since allegations of bullying and harassment run on a spectrum, it is essential to do an assessment of the situation to determine the best course of action that will address specific symptoms. Participants 1, 3 and 9 specifically noted it is important to do an assessment of the situation because generally when clients call you with a finding of bullying or harassment, it is not necessarily a finding; it is an allegation. They argued allegations of bullying or harassments are usually indicative of something deeper (systemic issues, interpersonal conflict, and abrasive management).

Most of the participants (1, 2, 3, 7, 8, 9, and 10) also stressed the importance of using a multi-levelled or multi-pronged approach to addressing bullying and harassment issues in the workplace. They argued addressing specific symptoms involves custom designing multi-levelled interventional approaches to address the specific needs of the parties, management, and the organization. They all stated this multi-levelled approach brings more robust, long term, and deeper systemic answers to problems. You might, for example, need to pair workplace conferences with conflict coaching, or investigations with mediation. The participants essentially argued that there is no cookie-cutter approach to addressing workplace bullying and harassment. There is not one solution, but many solutions to address different needs and symptoms. Participant 1 put it plainly:

“If I’m a mediator and I walk up to a problem in the workplace and I just put on my mediator hat and I don’t put on any other hat to try to understand the problem and look for solutions.... I say “Ah, the solution to all workplace problems is mediation.” Or, if I want to go further than that I can say: “The solution to all workplace problems is transactional mediation, or transformational mediation. If I take that approach, I am trying to take a peg and bang it into the hole that’s in front of me without looking at what the hole looks like. There are different pegs with different shapes. What you have to figure out is what the hole looks like before you start banging a peg in it. Anybody that takes the approach that there is only one solution [intervention] to all workplace problems doesn’t understand the workplace. (Participant 1)

Most of the participants (1, 2, 3, 7, 9, 10, 11 and 12) argued choosing an appropriate course of action essentially depends on what the situation looks like. Participant 1 and 2, for example, mentioned it is not fair to say there is one intervention you will always do in one circumstance and another that you never do in any circumstance. They argued it is more a question of trying to identify what is the most appropriate intervention for the circumstances, and choosing the option, or options, with the less risk.

The researcher also found the participants had all had differing views on bullying and harassment. Most of the participants (1, 3, 4, 5, 8, 9 and 10) in this study mentioned the term “bullying” is often used as a “cover all” term and that most situations that are labeled bullying situations are not in fact bullying situations. For example, people often accuse others of being bullies when they are being held accountable for their behaviour. A significant number of participants (1, 3, 6, 9 and 10) also argued bullies are often not aware of the impact they have on others. Some participants (2, 3 and 5) mentioned bullies will generally not admit to doing harm. Others (5, 9, 11 and 12) stressed bullying does not happen in isolation and that the workgroup as a whole participates in perpetuating the behaviours, while some (5, 9 and 12) noted that, since the workgroup participates in the bullying, there is not always a clear victim and a clear offender in workplace bullying and harassment cases. Some participants (7, 8 and 10) furthermore noted that leadership and management style can contribute to a climate where bullying arises. These leaders and managers are responsible for encouraging a workplace culture that allows this behaviour to flourish.

All the participants in this study did not use the words “victim” and “offender.” The researcher used this language to describe the parties in workplace bullying and harassment situations. All the participants, however, informed the researcher that the words “victim” and “offender” are not used in the workplace conflict management field. They argued that using these words presupposes the roles of the parties. The participants stressed it is important to objectively go into a workplace to assess the situation and to go through a process to determine whether there has been bullying or not before you can make assumptions about whether there is a victim and an offender. The practitioners in this study therefore urged the researcher to use the language of workplace conflict management when talking about the parties. They stressed and the proper terms to use are “complainant” and “respondent.”

5.2 Overview of Interventions Used to Address Workplace Bullying and Harassment

This section presents an overview of different workplace interventions to deal with bullying and harassment. It details the participant’s views on the benefits and challenges of each intervention, as well as their views on when these interventions are appropriate and when they are not.

All the participants in this study have a different approach to addressing workplace bullying and harassment in the workplace: 3 practitioners use investigations, 7 use mediation, 5 use conflict coaching, 4 use Abrasive Boss Coaching, 4 use workplace conferences, 2 use peacemaking circles and 11 use training. Almost all the participants in this study use a multi-levelled or multi-pronged interventional approach to addressing workplace bullying and harassment. The following table (Table B) details the interventions the participants use to address workplace bullying and harassment in the workplace:

Participant	Use of Workplace Bullying and Harassment Interventions
1	Investigations, Mediation, Group Processes, Abrasive Boss Coaching, Conflict Coaching, Executive Coaching and Training
2	Mediation
3	Investigations, Conflict Coaching, Group Processes and Training
4	Mediation and Training
5	Workplace Conferences and Training
6	Abrasive Boss Coaching and Training
7	Abrasive Boss Coaching and Workplace Conferences
8	Workplace Conferences and Training
9	Mediation, Conflict Coaching and Training
10	Investigations, Mediation, Conflict Coaching, Peacemaking Circles and Training

11	Mediation, Peacemaking Circles and Abrasive Boss Coaching
12	Workplace Conferences, Peacemaking Circles, Mediation, Conflict Coaching and Training

Table B: This table lists different interventions used by the participants in this study.

5.1.1 Investigations

An investigation is an interventional approach to address workplace bullying and harassment that involves investigating whether there has been bullying or not. The Worksafe BC investigation guide notes that investigations should include: (1) a review of the workplace policy statement and procedures on bullying and harassment; (2) a meeting with each party separately to explain the investigation process; (3) the selection of a fair and impartial internal or external investigator; (4) gathering evidence by interviewing the parties and witnesses; (5) reviewing the evidence and determining whether bullying and harassment occurred; (6) discussing the findings; (7) taking corrective action; and (8) keeping a record of the investigation (Investigation Guide, n.d.). The participants in this study identified benefits and challenges with investigations. They also commented on when investigations are appropriate and when they are not.

Benefits of Investigations to Address Workplace Bullying and Harassment: I interviewed three conflict practitioners (Participant 1, 3, and 10) that use investigations as an intervention to address bullying and harassment in the workplace. All three participants, including participant 8, agreed a benefit of doing investigations is the ability to collect evidence and make findings concerning a serious bullying or harassment situation. They all stated this evidence is necessary to impose some kind of necessary discipline on the respondent if they have breached policy and/or law. One participant (Participant 1), also noted investigations can be a transformative experience. Participant 1 mentioned investigations have the ability to remove abrasive persons from the workplace that have no reasonable chance of changing. This is sometimes necessary and has the potential to be transformative for a workgroup: “People are going to get a new manager, somebody who respects them. They’re going to go to their jobs in the morning and they’re going to love their work and they’re going to love being there, and they’re going to finally feel like their employer is taking the workplace seriously and is making the workplace a respectful workplace. So that can be extremely transformational.” (Participant 1)

Challenges of Investigations to Address Workplace Bullying and Harassment: Seven participants (1, 2, 5, 8, 9, 10 and 11) commented on the challenges of using investigations to address workplace bullying and harassment. Most of the participants (1, 2, 5, 8 and 10) argued investigations are adversarial processes that further destroy workplace relationships. Participant 1, and 10, for example, mentioned investigations actually encourage conflict because they require workers to testify against each other. They argued relationships are therefore very hard to restore after an investigation. Participant 5 and 8, for example, noted investigations cause further damage to workplace relationships because they keep people from coming together to talk about the situation, to come together to deal with emotions, to heal or to accept responsibility for one’s behaviours.

A significant number of participants (Participants 1, 8, 9 and 10) argued investigations do not address systemic issues; that is, that investigations do not focus on the root cause of the bullying or the harassment. They argued investigations merely determine who is right and who is wrong. Participant 10 added the determination of who is right and who is wrong is usually based on whether a policy or regulation has been violated. If there is no sufficient proof certain events took place, the complaint is dismissed and the parties will often have to work together again. Most of the participants (Participant 1, 5, 8, 10 and 11), however, noted that investigations do not repair relationships for people to be able to do this.

Confidentiality was also a theme. Most of the participants (1, 5, 10 and 12) argued confidentiality is challenging in investigations. Participant 1, 5, and 12 mentioned that complainants are not always told what kind of discipline the respondent will be receiving and that this lack of transparency does not sit well with most of the complainants. Participant 10, on the other hand, noted investigations have a false sense of confidentiality:

“...normally by the time I get called in the situation is so bad that everybody knows everything about it anyway. The person who filed the complaint usually has talked to people. People have been forced to take sides so that whole issue of confidentiality, I believe, is really moot.... confidentiality for these complaints is supposed to be that the person who is the respondent is innocent until proven guilty. So, it's to protect their professional relationship but as I said everybody talks. Everybody in a workgroup knows through body language and everything else when two people are not getting along.” (Participant 10)

Participant 10 made a few observations that the other participants did not mention:

- Workplace investigations is an unregulated profession: Workplace investigators do not need any kind of formal qualifications to practice. There is no regulating body that ensures investigators have the right qualifications and knowledge of workplace culture to investigate workplace bullying and harassment conflicts.
- There are fewer safeguards: There are more safeguards in a hearing than in an investigation. The witnesses are not sworn and there is no right of cross-examination. The investigators are asking all the questions and are the only ones judging the credibility of the people they are interviewing.
- There is no shared knowledge: Unlike the results of arbitrations, which are available online, the results of investigations are not shared with the public. This makes it difficult for practitioners because they are often asked to recommend an appropriate course of action. The recommendations of investigations are therefore based on the subjective opinions of the investigator and not on a body of law or shared knowledge. Participant 10 stated: “If you have the exact same case, and give it to five different investigators, you would be sure to have five different recommendations on how to proceed.”

Time and money is also a challenge with investigations. Some participants (1 and 3) noted a challenge with formal external investigations is that they can be very expensive (i.e. ranging between 10,000\$ and 35,000\$). A significant number of participants (1, 5 and 10) also noted investigations tend to be very lengthy processes.

One of the questions asked in the interviews was the following: When are investigations appropriate to address workplace bullying and harassment? When are they not appropriate? Five participants (1, 2, 3, 4 and 10) answered this question. All the participants (1, 2, 3, 4 and 10) agreed investigations are only appropriate when there are very serious allegations of bullying and harassment. They all argued investigations are not appropriate in most situations. Participant 1, for example, said they should be the last thing people think of doing, and Participant 10 stated investigations are not appropriate in probably more than 90% of situations. All these participants mentioned investigations are necessary in horrific cases where someone has systematically and repeatedly tried to victimize a co-worker. In situation like this, the participants agreed mediation, coaching or some kind of group process is not an option. There needs to be an investigation.

Participants 1 and 10 also noted investigations are appropriate when the perpetrator will be fired or severely disciplined, and/or when employers need evidence in order to support discipline from a legal perspective. They also noted they are not appropriate when an alternate measure seems to be indicated. Participant 1 additionally stated investigations are appropriate when someone is at risk of future violence or abrasion and needs to be protected, when it is clear it is a situation where there may be somebody that will need to be removed from the workplace and/or if there is no reasonable chance the abrasive person has the ability to change.

5.1.2 Mediation

Mediation is a process in which an impartial third party helps others resolve a dispute or plan a transaction, but does not have the power to impose a binding solution (LeBaron, 2001, p. 121). The participants in this study commented on the benefits and challenges of mediation to address workplace bullying and harassment. They also commented on when mediation is appropriate and when it is not appropriate to address workplace bullying and harassment.

Benefits of Mediation to Address Workplace Bullying and Harassment: I interviewed seven practitioners (Participant 1, 2, 4, 9, 10, 11 and 12) that use mediation as an intervention practice to address bullying and harassment in the workplace. Most of the participants (2, 4, 9 and 10) mentioned a benefit of mediation is that it creates a learning environment, allowing the parties to talk about their intentions, the impact of certain behaviours, and learn from one another as they craft their own agreement and path forward. Most of the participants also noted mediation can rebuild and restore relationships (Participants 1, 2, 4, and 11) and that it can be a transformative experience (Participants 1, 4, 9 and 11).

The fact that mediation requires a lot of preparation and follow-up was another identified benefit of mediation. Participants 1, 4, and 12 noted mediators spend a lot of time preparing the parties for the mediation process and that they also spend a lot of time following up with the participants after each joint session and when the mediation is over. Participants 1 and 4 specifically noted mediators could coach the parties if they have difficulty expressing themselves, or worry they will be aggressive in joint sessions. They also mentioned mediators give the parties homework between joint sessions and ask them to consider their goals, to think about the challenging actions the other party has done, and to consider the effects of those actions on themselves.

A significant number of participants (1, 2, 9, 10 and 12) also noted mediation creates a safe environment to have a facilitated discussion about all kinds of issues related to bullying and harassment (behavioural issues, and work performance). Mediators check in with participants to make sure they are feeling safe and comfortable. If they are not, they work with the individuals to make sure they are. This might involve individually checking in with the participants in private coaching sessions, inviting a support person, a union representative, or managers to be involved in problem solving and in reaching an agreement. Participant 11 and 12 additionally stated that mediation creates a safe environment where the parties are encouraged to accept and acknowledge their own part of the responsibility in developing the situation.

The participants also mentioned mediation can help the parties acknowledge emotion (Participant 1 and 4), that mediation is a flexible process (Participant 1), it is voluntary (Participant 12), it creates room for forgiveness and reconciliation (Participant 4,) and that, as opposed to telling you who is right and who is wrong, mediation can actually address the root causes of the bullying (Participant 1). Participants mentioned mediation can identify systemic issues (Participant 9 and 10), it can build familiarity (Participant 10), it allows the parties to be more conscious and reflective of their communication patterns (Participant 4), and that it dispels assumptions and empowers the parties by uncovering new information that enables the parties to make better decisions. (Participant 9)

Challenges of Mediation to Address Workplace Bullying and Harassment: Eight participants (1, 2, 4, 8, 9, 10, 11, and 12) commented on the challenges of mediation. Most of the participants (1, 2, 9, 10 and 11) mentioned mediation might not be enough to address the bullying or harassment situation. Participant 1 and 9, for example, argued mediation is not effective at dealing with systemic issues. Participants argued it is easy to see the benefits of mediation but you need to figure out what other things you need to address to make sure you have fulfilled your obligations to create a safe workplace. For example, addressing these other issues might mean you need to do an investigation, training, monitoring, coaching, group processes, peacemaking circles, and organizational development.

Time and change is also a challenge. A significant number of participants (1, 4, 11 and 12) argued you need to give people time to change and understand one another's perspectives, while others (1 and 12), on the other hand, argued a challenge with mediation is that there are some people that simply cannot change. Other challenges include confidentiality and voluntary participation. Participant 2 stated the confidentiality of mediation is challenging for management since they need to feel satisfied they have met their obligation to resolve the situation. Participant 1 argued that, unlike investigations, you cannot force the parties to participate in mediation.

One participant (8) argued mediation does not deliberately look at emotional harm: "Mediation doesn't ask the question: how has this affected you? It asks: What is the story? What are the issues? Let's prioritize the issues and let's work through them one by one until we get it all right." Participant 1 and 4, however disagree with Participant 8's view that mediation does not address emotions.¹

One of the questions asked in the interviews was the following: When is it appropriate to use mediation as an intervention to address workplace bullying and harassment? Seven participants (1, 2, 4, 9, 10, 11 and 12) answered this question. Most of the participants (1, 2, 4, 10 and 11) mentioned mediation is appropriate when there is a reasonable chance of salvaging the relationship. The participants stated mediation is appropriate, for example, when the parties are able to recognize and admit they have contributed to the situation, when the parties are willing and able to talk about their behaviours, and when the parties are genuinely interested in connecting with the other person over what happened. Most of the participants (1, 2, 4, 9, and 10) also agreed mediation is appropriate when there has been a preliminary assessment of the bullying or harassment situation to assess the severity of the allegations and the situation.

A significant number of participants (Participant 1, 9, 10 and 12) mentioned it is appropriate to pair mediation with other interventions. Others (Participants 1, 4 and 11) noted mediation is appropriate when the mediator prepares the parties for the mediation and follows up with them after each joint session. Some (Participants 1, 2, and 12) argued mediation is appropriate when there is limited amount of parties. Other participants stated it would only be appropriate if the parties voluntarily participate (Participant 12), if the results of an investigation are unlikely to fix the problem (Participant 1), if the bullying situation is actually a situation where there is interpersonal conflict (i.e. where there is a disconnect between intention and impact) (Participant 1), and when there is a way for the respondent to be held accountable for his/her actions (Participant 4). Otherwise the complainant could be put in a situation where they might be re-victimized.

One of the questions asked in the interviews was the following: When is it not appropriate to use mediation to address workplace bullying and harassment? Ten participants (1, 2, 3, 4, 5, 6, 9, 10, 11, and 12) answered this question. Three participants (3, 5 and 6) argued mediation is not an appropriate process to use to address workplace bullying and harassment. Participants 3 and 6 argued mediation is not appropriate because there are power imbalances between the complainant and the respondent in bullying and harassment situations. Participant 5 and 6 noted mediation was designed to address disputes and that mediation does not have the potential to address real conflict situations like bullying and harassment.

Most of the participants (1, 2, 3, 4, 6, and 10), agreed mediation is not appropriate to deal with really serious cases of bullying or harassment where the complainant has been completely traumatized by the actions of the respondent, and/or when there is a really big power imbalance between the complainant and the respondent. Other participants (1 and 6) mentioned mediation is not appropriate if the aggressor is truly an abrasive boss. Participant 1, for example, said: "Abrasive bosses do not respond to mediation."

¹ See benefits of mediation.

They will use the mediation to buy time and convince their employer that they are not being abrasive. They will also use the mediation to further victimize the complainant.” Participant 6 stated that mediation is not effective at helping abrasive bosses understand the full magnitude of their impact on others and at helping abrasive bosses fully transform and change their communication style. Participant 6’s also stated that complainants in mediation put in a situation where they have to mediate a change in an abrasive boss’ management style. Participant 1 also further noted that mediation is not appropriate for every personality; that is, because some people simply cannot transform and change their behaviour.

Two participants (1 and 3) noted mediation is not appropriate when there are more than two people involved or when the bullying has become generalized in the workplace. It was also mentioned that mediation is not appropriate when the parties are not able to reflect and recognize their involvement in the situation (Participant 11), when the parties have serious mental health issues (Participant 9), if either of the parties do not feel safe (Participant 12), and/or if mediation is used for fact-finding² (Participant 9).

5.1.3 Conflict Coaching

Conflict coaching is defined as an intervention practice where a neutral third party coaches an individual how to constructively address and manage a conflict. The coachees gain valuable skills and, with the help of a coach, they design an approach or strategy on how to engage with someone in a conflict. Cinnie Noble (2012) argues her style of conflict coaching adopts certain principles from Bush and Folger’s (1994) transformative framework, notably that people in conflict have the potential or “capacity to change the quality of their interactions and regenerate their relationships and communication, in constructive ways” (Noble, 2012, p.23). The participants in this study commented on the benefits and challenges of coaching to address workplace bullying and harassment. They also commented on when conflict coaching is and is not appropriate to address workplace bullying and harassment.

Benefits of Conflict Coaching to Address Workplace Bullying and Harassment: Five participants (1, 3, 9, 10, and 12) in this study use conflict coaching as an intervention practice to address workplace bullying and harassment. All these participants mentioned a benefit of conflict coaching is that it is a confidential process that helps workers, supervisors and managers build conflict and communication skills to assertively deal with disrespectful behaviour. Participant 12 specifically mentioned conflict coaches ask hard questions. They play the devil’s advocate. They help people get a clear perspective on their own feelings, their goals and how they might constructively approach a challenging person to talk.

Participant 12 also noted conflict coaching prevents conflicts by encouraging parties to deal with conflict when it arises. The internal surveys at Participant 12’s organization have indicated their staff’s first preference is to talk through conflicts on their own. Since Participant 12’s organization has introduced coaching, formal processes have gone down in direct proportion to the documented conflict coaching’s.

Participant 3 argued a benefit of coaching is that it actually has “teeth.” If a bully, for example, slides back into old communication patterns, the organization can say they made an effort to restore the individual and it did not work. Participant 3 also noted that conflict coaching gives abrasive people the opportunity to change before there is a full-blown investigation.

Challenges of Conflict Coaching to Address Workplace Bullying and Harassment: Five participants (1, 3, 9, 10 and 12) commented on the challenges of using conflict coaching to address workplace bullying and harassment. Participants 1 and 9 argued conflict coaching might not be enough to rebuild the relationship and that coaching is not a good intervention to address systemic issues. Another identified challenge was motivation. Participants 1, 10 and 12 noted coaching can be challenging if the person being

² If mediation has an investigative lens, the mediator will be a judge and the most articulate person will win.

coached is not motivated to change. Participant 12 specifically noted that sitting down and talking about feelings is against the workplace culture of certain organization. Transforming the workplace culture to think of using conflict coaching is challenging.

One of the questions asked in the interviews was the following: When is conflict coaching appropriate to address workplace bullying and harassment? Three participants (1, 10 and 12) answered this question. They all agreed conflict coaching is almost always appropriate and that it is appropriate to pair coaching with other interventions like mediation. Participant 12 noted coaching is appropriate when the situation has not become escalated. Participant 1 also noted coaching is appropriate if the results of an investigation are not going to fix the problem, when the parties are going to have to continue working together, when one or both of the parties are faced with a particularly challenging conflict situation, and when the person receiving the coaching is receptive to the experience. Participant 1 furthermore stated Executive Coaching is appropriate to address poor management that is being interpreted as harassment and/or if the team leader's management style is causing systemic issues or conflict in the workplace. For example, if workers are not being held accountable in the workplace, or if a manager has poor communication style or poor change management.

One of the questions asked in the interviews was the following: When is conflict coaching not appropriate to address workplace bullying and harassment? Four participants 1, 9, 10, and 12 answered this question. The participants had a wide range of responses. Half of the participants (1 and 9) noted conflict coaching may not be enough if there are systemic issues or interpersonal issues that need to be addressed. Participant 10 noted coaching is not appropriate when the person who is being coached does not acknowledge the behaviour they were engaging in was disrespectful or when the coaching is replacing therapy. Participant 10 stressed that coaching is not appropriate if the person being coached is suffering from mental health issues and that people suffering from mental health issues need to be seen by a psychologist and treated before the conflict coaching can begin.

Participant 1 argued coaching is not appropriate when the real issue is generalized resistance to change: "For example, a team says they are being harassed by their manager but this manager is only clamping down and is trying to get some work done get the team back on track.... In that situation you may need a group process to get people to really understand the situation and to understand that change is going to happen..." Participant 1 also argued that Executive Coaching is not appropriate if there are workers in the workplace that are incapable of turning the page and/or if the person being coached is truly an abrasive boss. Participant 1 stated that an abrasive boss "will chew up a conflict coach and spit them out.... They will typically see the Executive Coach as a lesser human being to be manipulated and to be placated more than a real help or they will actually try to get pointers from the Executive Coach on how to better achieve their goals and they'll use that to run over employees."

5.1.4 Abrasive Boss Coaching

Abrasive Boss Coaching or Boss Whispering is an intervention strategy developed by Laura Crawshaw (2007). It is a strand of executive coaching where Abrasive Boss Coaches interview people who work with abrasive bosses; they anonymize the data from the interviews and present the information to the aggressor in confidential coaching sessions. A boss can be defined as any individual with managerial authority and abrasive can be defined as negative behaviours such as: over control, threats, public humiliation, condescension, overreaction, aggressive language, hostile humour, and/or favouritism and discrimination (Crawshaw, 2007). The method adopts the view that abrasive bosses do not intend to do harm: "...their intent is to motivate. And if they do cause harm, more often than not they're blind to the fact that they've wounded others" (Crawshaw, 2007, p. 21). The participants in this study commented on the benefits of Abrasive Boss Coaching in workplace bullying and harassment situations. They also

commented on when this method is appropriate to address workplace bullying and harassment, and when it is not.

Benefits of Using Abrasive Boss Coaching to Address Workplace Bullying and Harassment: I interviewed four practitioners (1, 6, 7 and 11) that use Abrasive Boss Coaching to address bullying and harassment in the workplace. All of the participants mentioned a benefit of using this approach is that it offers abrasive managers the chance to get feedback on their communication style and to understand how they are being perceived from different sources in an anonymous and confidential way.

The participants all noted this method of coaching is a transformative experience that: 1) helps the abrasive managers understand the negative perceptions he/she is creating; 2) helps them understand what is causing the negative perceptions; and 3) teaches abrasive bosses how to constructively and effectively interact with others. Participant 11 specifically noted this approach is particularly effective because it focuses on behaviours. Coaches do not tell abrasive managers they are inappropriate. Instead of blaming the abrasive person, coaches focus on behavioural management and teach abrasive people how to be result oriented without being abrasive.

The participants also noted this method is particularly beneficial because abrasive managers are generally not aware of the impact of their behaviour on others. All the participants mentioned abrasive managers need to be guided and coached because most managers that are labeled as “bullies” do not see themselves as such. They all mentioned abrasive manager generally lack the emotional intelligence to empathize with their employees. They therefore need specialized coaching to learn how to be empathetic. Participant 6 stated: “I define abrasive leaders as anybody charged with authority whose interpersonal behaviour causes distress sufficient to disrupt organizational functioning... You’ll notice I don’t use the term bully because it implies intent. And, what I have found, with over 30 years of coaching more than 400 of these individuals is shockingly they do not intend to cause harm. In fact, they are not even aware that they cause harm. Or, if they are aware they discount it. It’s sort of like, well I do what I have to do and you know sometimes you have to kick ass to get people to do things.”

Other identified benefits include:

- It’s a Restorative Approach: Employers do not need to terminate abrasive managers. Abrasive Boss Coaching restores abrasive individuals back into the workplace. (Participant 6 and 7) Participant 6 also mentioned this style of coaching not only restores individuals but has a restorative effect on the whole workplace. Employees appreciate the time and effort the abrasive manager is taking to change their communication and management style. They also feel relief they are being listened to and that their suffering is being acknowledged. Employers are perceived positively by employees for taking action and addressing the situation. (Participant 6)
- Defense for Termination: Abrasive Boss Coaching offers employers a defense for terminating an abrasive manager. If a bully slides back into old patterns, the organization can say they made an effort to restore the individual and it did not work. (Participant 6)
- Follow-up and Monitoring: The coach follows up with the interviewees throughout the coaching process to monitor the progress of the abrasive manager. (Participant 6 and 7)

Challenges of using Abrasive Boss Coaching to Address Workplace Bullying and Harassment: Five participants (1, 2, 6, 7 and 11) commented on the challenges of using Abrasive Boss Coaching to address workplace bullying and harassment. Most of the participants (6, 7 and 11) mentioned since abrasive managers are generally in denial about the impact of their behaviours, Abrasive Boss Coaching requires that the employer put pressure on the abrasive leader to change. If they do not, the abrasive manager will not invest themselves in the coaching process and blame others around them. The coaches therefore need to work with employers and show them how to constructively intervene and put pressure on the abrasive person to change.

Some participants also noted Abrasive Boss Coaching is not for everyone. Participants 1 and 6 argued there are some people that simply cannot change. Other participants (1 and 7) noted Abrasive Boss Coaching is not effective at dealing with systemic issues. Confidentiality was also mentioned as a challenge with this method. Participant 2 noted that management sometimes finds the confidentiality piece of this method to be challenging because they need to be satisfied they have met their obligations to provide a safe work environment. Participant 1 furthermore stated that this method is challenging when the participants are not motivated to change and that this method might not be enough to rebuild relationships.

One of the questions asked in the interviews was the following: When is it appropriate to use Abrasive Boss Coaching to address workplace bullying and harassment? Five participants (1, 2, 6, 7 and 11) commented on this question. The participants had a wide range of responses. Most of the participants (1, 2 and 6) argued this intervention is appropriate after a formal investigation and/or when employers have voiced their concerns and have given the abrasive manager an opportunity to change. If they do not change their behaviours, then coaching is appropriate. Participant 1 and 6 stated Abrasive Boss Coaching is appropriate if you are dealing with a truly abrasive boss. They both agreed these bosses fit into a specific personality profile. Participant 1, for example, stated: "These abrasive bosses are typically the sort of people that have difficulty understanding the impact they have on other people. They are typically people who tend to undervalue the effect of emotion in a workplace. They are terrible at reading emotions in other people. They tend to not be empathetic.... These people will tell employees to jump higher instead of trying to figure out what they need to do to help the person jump higher. They tend to be very abrasive in the workplace. They're unreasonable. They tend to be very good with dealing with the people above them and they make allies above them but they don't care about people below them and they tend to destroy relationships with subordinates." Participant 7 argued this method is appropriate when paired with restorative workplace conferences. Participant 7 stated that pairing the two is "the key to the reintegration [of the abrasive person] into the organization."

One of the questions asked in the interviews was the following: When is it not appropriate to use Abrasive Boss Coaching to address workplace bullying and harassment? Four participants (1, 6, 7 and 11) answered this question. Half of the participants (6 and 7) argued Abrasive Boss Coaching is not appropriate if the target of the coaching is a substance abuser or has mental health problems. These people need to be treated before the coaching can begin. Participant 1 argued this method is not appropriate if the target of the coaching is not an abrasive boss, if there are people in the workplace who cannot turn the page. Participant 1 also noted Abrasive Boss Coaching might not be enough if there are individual conflicts that need to be addressed through mediation and if there are systemic issues that need to be addressed. Participant 11 noted this method is not appropriate if the person being coaching is not able to recognize how their behaviour had a negative impact on the target.

5.1.5 Restorative Workplace Conferences

Hutchinson (2009) offers the following definition for workplace conferences: "...the victim and their supporters meet with the perpetrator and their supporters to engage in a discussion facilitated by a conference co-ordinator. The process focuses upon the wrong committed, who has been harmed, and the social network within which the harm has occurred, with a view to censuring past wrongdoing in the context of reading a formal agreement on reparation and future behaviour." Workplace conferences have three major phases: preparation, the conference and follow-up (Thorsborne, 1999). For a detailed description of the conference process, please see Appendix 1. The participants in this study commented on the benefits and challenges of using restorative workplace conferences to address workplace bullying and harassment. They also commented on when this method would be appropriate and when it would not.

Benefits of Workplace Conference to Address Workplace Bullying and Harassment: I interviewed four practitioners (5, 7, 8, and 12) that use restorative workplace conferences to address bullying and harassment in the workplace. Six practitioners (5, 7, 8, 9, 11 and 12) commented on the benefits of using workplace conferences to address workplace bullying and harassment. Most of the participants (5, 9, 11, and 12) agreed a benefit of workplace conferences is that workplace conferences and restorative philosophy recognizes bullying and harassment does not happen in isolation between two or three people. Workplace conferences voluntarily bring a system of relationships together: 1) to gain clarity about the bullying/harassment situation; 2) to learn about one another; 3) to understand the impact of the abrasive behaviours not only on the complainant and the respondent, but on the workplace and the organization as a whole. Participant 5, for example, stressed that bringing the system of relationships together is essential because bullying and harassment situations are never isolated. Participant 5 simply stated: "People talk. That's the way we are as human beings. We look for support and reassurance." Instead of hearing gossip and snippets of information in corridors and in one on one conversations, Participant 5 mentioned the group must come together not only to collectively understand what happened but to understand the consequences of those behaviours on the whole system of relationships. Participant 5 stated:

"In 20 years I have not come across a situation where there have only been two people involved. I have come across lots of situations where two people may be at the center of it. I have one going on at the moment, for example, where a very senior person has been bullying people for 20 years. The CEO of the organization has said he's the problem. I went back and told him he's not the problem. Sure he's the bully but he's not the problem. The problem is that everyone in the last 20 years has tolerated that behaviour. So we all like to think it is one person but it never is unfortunately."

Instead of psychologizing the situation, Participant 5 essentially argued we need to politicize the bullying and harassment conflicts; that is, workplace bullying and harassment situations needs to be seen as conflicts within a system of relationships where there are different things at stake for different people.

A significant number for participants (5, 8, and 12) also argued workplace conferences focus on strengthening workplaces through collective accountability and collective responsibility. In workplace conferences, the respondent is held accountable to the whole workgroup instead of just one other person. Bringing everybody together that has been involved in contributing to the problem is essential because just addressing the bullying/harassment situation between the respondent and the complainant might ultimately not resolve the situation. The manager who has not been intervening in the situation, for example, needs be held accountable for their lack of problem solving skills, and the employees who have been encouraging certain behaviours also need to be held accountable.

Other identified benefits include:

- *Group Negotiation/Agreement:* The parties collectively reach an understanding and an agreement of what can be done to make things right. This agreement is negotiated by the whole group rather than it being imposed by an individual, a tribunal, a court or HR department. Since this agreement is decided by the workgroup, it is much more likely to be implemented. (Participant 5)
- *Follow-up and Support:* Workplace conferences involve a lot of follow-up and support. (Participant 5 and 8) Participant 5, for example, noted restorative conflict practitioners stay in weekly contact with the group to track their progress. Six to eight weeks after the conference they bring the group back together to talk about how they have been implementing their own agreement and how they will proceed.

Challenges of Workplace Conference to Address Workplace Bullying and Harassment: Seven participants (2, 3, 5, 7, 8, 9 and 12) commented on the challenges of workplace conferences to address workplace bullying and harassment. Most of the participants (2, 5, 9 and 12) argued workplace conferences are more complex than restorative conferences in the criminal justice system. Participant 2, for example, stated offenders in the criminal justice system have really bad BATNA (Best Alternative to a Negotiated Agreement) and that you would have to create as bad a BATNA for someone to admit that

they have bullied in the workplace. Participant 5, 9 and 12 all argued workplace conferences are more complex than conferences in the criminal justice system because there is not always a clear victim and a clear offender in workplace bullying and harassment cases. Participant 5, for example, stated: "In the criminal justice system [conference] cases are kind of delivered to you on a platter. You know, here it is. Here is the guilty party. These are the victims or you figure out who the victims are and you pull them together and run it. Whereas in the workplace it's unusual for people to put their hand up and say I'm the bully. Like in most other experiences in life, if you admit that you have harmed others, you are probably likely to get your hand cut off, or you're likely to get punished." Participant 5 argued that workplace conferences therefore require a lot more preparation, expert facilitation and more follow-up than conferences in the criminal justice system.

A significant amount of participants (5, 8 and 12) also mentioned that preparation can be a challenge in workplace conferences. Participant 5 mentioned it can take anywhere up to 8 days to prepare a team of 15-20 people to participate. Preparation involves individual meetings to find out what happened, to identify the incidents that best represent the behaviour, and to persuade people to talk about their own behaviour, and listen to how that behaviour affected the group. Participant 8 mentioned it might be necessary to do many mini conferences to sort out certain issues before you bring the group together to talk about the larger issue of bullying or harassment. Participant 12 noted that scheduling is a major challenge for their organization. The conflict practitioners at this organization are volunteer employees that do this in addition to their other positions. Getting these employees off their post to prepare for the conference, run it and do the appropriate follow-up can be challenging.

A significant number of participants (2, 3 and 5) also argued that workplace conferences are risky. Participant 5 argued workplace conferences are politically risky: "The further up in an organization you go, the more there is at stake for you because you stand for being accused of not knowing what to do or not knowing how to deal with situations or of even behaving badly yourself." Participant 2 argued workplace conferences are risky for employers. If the workplace conference was not successful, for example, and the complainant feels he/she was re-victimized in the process or the respondent feels they were targeted, the employer could be said to have allowed a process that allowed further bullying or victimization. Participant 3 mentioned that since workplace bullying and harassment issues usually stem from work performance issues, you can have entire teams that swarm against the target of the bullying: "You you'll have people in the workplace that will say: "Well ya, sure Sam's been targeted because he's a terrible worker. He's unreliable. He's late all the time. He's got a bad attitude. How dare you accuse this guy we know and love to be a bully?"

Other identified challenges with workplace conferences:

- *Voluntary*: Bullies can opt out of the conference. In a situation like this the group can still go ahead with the conference but a challenge for the facilitator is making sure the group does not scapegoat the empty chair. The group must take responsibility for their part of the problem and in crafting a solution. (Participant 12)
- *Confidentiality*: Some organizations will not allow certain issues to be talked about in session because they are bound by confidentiality. Everyone in the workplace is already talking about the issue but the organization will still insist that certain issues are not discussed because they fear someone might sue them. (Participant 5)
- *No Research*: There is no official evidence to suggest workplace conferences work; that is, there has been no substantial research published on the efficacy of workplace conferences. (Participant 5)
- *Might Not Be Enough*: Conducting a workplace conference might not be enough to fix the situation. Conflict practitioners might need to pair workplace conferences with conflict coaching. (Participant 7 and 8)
- *Persuasion*: Participant 5 noted persuading people is particularly challenging because his firm runs these conferences as closed door meetings that have no rules: "Unlike mediation and other processes,

none of our facilitators say you have to speak through the chair or you have to speak one at a time, you have to be civil. There is none of that... People yell and swear. They accuse people of things and they shout and all sorts of stuff like that and... this is of course exactly what you want to have happen... Essentially you want people to behave the way they have been behaving and then to be able to experience that and to be able to make sense of it as a group and to be able to kind of jump in and challenge and help each other." (Participant 5)

- *Uncomfortable:* Workplace conferences are uncomfortable. Participant 5 states: "The big challenge is that we're not used to confronting or challenging each other one on one... let alone in groups... to talk about the one thing we all talk about but none of us agree that we're talking about it..."
- *Transformation Can Be Challenging:* Participant 12 noted that workplace conferences encourage the participants to transform and change, but there are some people who simply cannot change. Changing and transforming the workplace culture to think of using workplace conferences can also be challenging. Participant 12 noted that sitting down and talking about feelings is against the workplace culture of their organization.
- *Finding Support:* Finding leadership and managers in organizations that are courageous, and committed enough to respectful and safe workplace is a challenge: "Unless you have that commitment you don't get your foot in the door. I see that as the biggest challenge." (Participant 8)

One of the questions asked in the interviews was the following: When are workplace conferences appropriate to address workplace bullying and harassment? Seven practitioners (2, 3, 5, 7, 8, 11 and 12) commented on the appropriateness of workplace conferences. The majority of participants (2, 3, 8, and 11) argued workplace conferences are only appropriate when there is preparedness by the person who has caused harm to admit they have contributed to the situation. They stated it would not be appropriate to go ahead with a workplace conference if the respondent is denying contribution or involvement in the bullying or harassment situation. Participant 3, however, argued they have never been involved in a case where the respondent wanted to sit down with their workgroup and admit they did harm.

Contrary to Participant 3, 8 and 11, Participant 5 and 12 argued workplace conferences can be appropriate if a respondent does not admit to doing harm. Participant 5, for example, stated it would be appropriate because the group still needs to talk about what happened, and the respondent needs to learn the consequences of their behaviour by listening to the group talk about their experiences.

A significant number of participants (2, 3 and 8) argued workplace conferences are appropriate after an investigation because the facts concerning the bullying and harassment situation have already been determined. They argue that restoring the workplace by conducting a conference can have a healing and counselling effect to get people back to a place where they are feeling safe enough or trusting enough to be able to communicate, work together, and move forward. Participant 3, however, specifically noted that this would only be appropriate in situations where the respondent has been fired and would, therefore, not be participating in the conference.

Others argued that this method is appropriate when it is paired with other interventions like conflict coaching (Participants 7 and 8), when significant harm has been done (Participants 5 and 8), when the participants are willing to come together (Participants 2, 8 and 12), and when the facilitator minimizes the risk by keeping the scope of the conference narrow and focused (Participant 2 and 5).

One of the questions asked in the interviews was the following: When are conferences not appropriate to address workplace bullying and harassment? Five participants (3, 5, 7, 8 and 12) commented on this question. The participants had a wide range of answers. They argued workplace conferences are not appropriate: if the allegations of bullying or harassment are actually a low level matter that could be dealt with through training (Participant 5), if any of the parties do not feel safe (Participants 3 and 12), if the parties are experiencing mental health issues (Participant 7), if leadership

and management are not supportive or willing to participate in the process (Participant 8), and if the respondent is lying about their involvement in the bullying or harassment situation (Participant 8).

Participant 3 further noted that workplace conferences are not appropriate if someone has been targeted to point where they have filed a complaint or someone has left the organization: “At that point you cannot get people around a table to have a conversation about what happened. There is too much damage. The complaint needs to be investigated and the person who did harm (if they in fact did harm) needs to be disciplined.” Participant 3 argued this method is not appropriate when there is a major power imbalance between the complainant and the respondent.

5.1.6 Peacemaking Circles

The two most common restorative intervention practices in the workplace are restorative peacemaking circles, and the more formal, restorative workplace conference. The following definition of workplace peacemaking circles was taken from Hutchinson (2009, p.151). She notes that peacemaking circles to address workplace bullying and harassment involve:

- The facilitator starting the conversation by sharing their concern for the harmed individuals. Each participant is then asked to talk about the situation, whether they have actively or passively participated in the bullying behaviour, and what they think would improve the situation;
- Members of the circle taking responsibility to curb dominating or abusive language, to ensure individuals are supported and not compromised by the actions or words of others, and for the harm they have caused;
- The disapproval of the bullying behaviour occurs in a direct but respectful way, making the acts of bullying the central focus, not the perpetrator;
- The focus is on producing constructive strategies for change, instead of focusing on apportioning blame;
- The person who did harm is asked what they can do to make things right, and what steps they will be taking to ensure this does not happen again. If other individuals have participated in the bullying, they also make a commitment to not engage in the behaviour into the future;
- The participants in the circle making a commitment to support the perpetrator(s) with their goals to make amends.

The participants in this study that practice peacemaking circles were asked to comment on the benefits, the challenges and the appropriateness of peacemaking circles to address workplace bullying and harassment:

Benefits of Peacemaking Circles to Address Workplace Bullying and Harassment: I interviewed three participants (10, 11 and 12) that use peacemaking circles to address workplace bullying and harassment in the workplace. All these participants argued peacemaking circles can transform workplace culture, allowing groups to set clear boundaries about what is acceptable and what is not, and to learn and to grow together as a community. Participant 10 specifically argued that peacemaking circles encourage the parties to collectively acknowledge the bullying situation and collectively take responsibility to intervene if they are witnessing behaviour they think is disrespectful. Participant 10 also noted that peacemaking circles allow all the participants to be reflective of their own positions and narratives while listening to other perspectives and waiting for their turn to speak. This is therefore a good method for introverts who might need more time to gather their thoughts. Inclusivity was also another identified benefit of peacemaking circles. Participant 12 noted that they could have as many as 30-50 people.

Challenges of Peacemaking Circles to Address Workplace Bullying and Harassment: Four participants (4, 6, 11 and 12) commented on the challenges of peacemaking circles. Half of these participants (4 and 11) argued peacemaking circles can be stressful for the parties and participants need to

have the capacity to talk about what really happened. Participant 6 noted peacemaking circles might not be enough because they cannot rehabilitate abrasive managers. Participant 4 mentioned that if people in the circle are all subject to the bullying, the systematic persecution could be hidden or continued in the circle. Finally, Participant 12 argued that peacemaking circles encourage people to transform and change, but there are some people who simply cannot change. Changing and transforming the workplace culture to think of using peacemaking circles can be challenging. Participant 12 noted that sitting down and talking about feelings is against the workplace culture of their organization.

One of the questions asked in the interviews was the following: When is it appropriate to do peacemaking circles to address workplace bullying and harassment? Four participants (4, 10, 11 and 12) answered this question. They argued peacemaking circles are appropriate when the conflict between the complainant and the respondent is not very narrow or escalated (Participant 10), to address systemic issues (Participant 12), when you are providing opportunity for new voice that has some power to change the situation (Participant 4), and when the parties voluntarily participate (Participant 12). Participant 11 differed from the others by saying that peacemaking circles are only appropriate as a preventative measure or as a way to help the workgroups after the bullying has been investigated.

One of the questions asked in the interviews was the following: When is it not appropriate to do peacemaking circles to address workplace bullying and harassment? Three participants (10, 11 and 12) answered this question. They argued peacemaking circles are not appropriate when the parties are suffering from mental illness (Participant 10), if the parties do not feel safe (Participant 12) and to initially address workplace bullying and harassment; that is, they should only be used as a preventative measure or as a way to help the workgroups after investigations. (Participant 11)

5.1.7 Group Interventions

I interviewed two practitioners (1 and 3) that use group interventions to address workplace bullying and harassment in the workplace. It is important to note that both participants have completely different ideas of what a group intervention looks like. Participant 3's method involves an assessment of the situation and a facilitated discussion. For participant 1, a typical group intervention involves evaluating what is going on in the workgroup. This is done by interviewing the members or by an online questionnaire to assess the business and interpersonal characteristics of the team. The group is then brought together for a minimum two to three day retreat to talk about how teams ought to function. This involves going through exercises designed to help them understand the role of trust on a team, the role of communication, the role of competition, and the role of cooperation. The group interventionist facilitates group discussion about the issues the group identified in the online questionnaire. A group discussion is then initiated to talk about how they are going to change their situation.

Benefits of Using Group Interventions to Address Workplace Bullying and Harassment: Both participants (1 and 3) mentioned group interventions are an opportunity for workgroups: 1) to be reflective of the way they chose to communicate with one another; 2) to talk about the risks of bad behaviour and poor communication; 3) to talk about how they are going to work together and how they will hold one another accountable; 4) to deal with emotions; and 5) to frame up an agreement about how they are going to address the situation. Both participants also noted group interventions have the potential to restore workplaces. Participant 1 also noted group interventions are flexible processes that are adapted to particular situations and that they can address systemic issues and generalized issues among a number of people in a workplace.

Challenges of Using Group Interventions to Address Workplace Bullying and Harassment: Participant 1 and 3 mentioned doing a group intervention may not be enough to resolve the situation. Participant 1, for example, stated that if you have an abrasive leader on the team, you can do a group

intervention and it might fix the situation for a period of time but ultimately it is not going to resolve the issue. Participant 1 also noted that if you have a problematic relationship between two team members, group interventions do not address particular relationships that need to be rebuilt. In situations like these, group interventions need to be paired with other workplace interventions.

One of the questions asked in the interviews was the following: When is it appropriate to use group interventions to address workplace bullying and harassment? Participant 1 and 3 agreed group interventions are appropriate when: 1) the bullying or harassment is not serious and when the bullying is generalized (i.e. a poison workplace) or if the bullying is actually inter-personal conflict; 2) it is not limited to two or three people; 3) there are systemic issues in the workplace; and 4) there has been an assessment of the situation. Participant 1 also argued group interventions are appropriate if: 1) resolving one or two conflicts through mediation will not solve the problem; 2) if the results of an investigation are unlikely to fix the problem; and 3) if the root of the bullying allegation is actually generalized resistance to change: “Very often in workplaces you’ll get situations where a new manager has a mandate is to affect some change and they’re seen as being abrasive because they’re trying to change the workplace. A group intervention can help the entire team better understand what sorts of changes are happening in the workplace, and how change can be approached.” (Participant 1)

One of the questions asked in the interviews was the following: When is it not appropriate to use group interventions to address workplace bullying and harassment? Both participants (1 and 3) noted group interventions are not appropriate to address serious allegations of workplace bullying or harassment and that group interventions should only be used when the allegations of bullying or harassment are actually interpersonal conflict and when this conflict has become generalized in the workplace. Participant 1 also argued group interventions are not appropriate: (1) if the aggressor is a team leader that is truly an abrasive boss; (2) if the team leader has serious challenges that have not been addressed (i.e. if they need special training like abrasive boss training or executive coaching before a group intervention can be effective); and (3) if outstanding conflicts have not been addressed separately by mediation, for example. Participant 1 stressed that if you do not address outstanding conflicts, the group intervention will not be successful in resolving the situation.

5.1.8 Training

Almost all the practitioners interviewed stated they use training as an intervention to address workplace bullying and harassment in the workplace. Training to for workplace bullying and harassment can be divided into two categories. There is training that can impart skills and training that can educate workplace on the nature of wrongdoing.

Benefits of Using Training to Address Workplace Bullying and Harassment

Six participants (1, 3, 5, 9, 10 and 12) commented on the benefits of training to address workplace bullying and harassment. All of the participants (1, 3, 5, 9, 10 and 12) mentioned training can impart skills: communication skills, conflict management skills, performance management skills, how to have tough conversations, assertive speaking, active listening, diagnosing/understanding conflict, third party resolution, managerial mediation, self-mediation, and how to performance manage. Some participants (1 and 3) also argued that training can educate workplaces about the nature of wrongdoing. Others (Participants 1, 3 and 5) noted training can ultimately prevent bullying in the workplace (Participants 1, 3 and 5) and that training allows workgroups to have real conversations about workplace expectations and understand available resources to address bullying and harassment in the workplace (Participant 3 and 5).

Participant 5 also argued organizations can weave the use of skills learned through training into their policies and protocols, and that training offers the opportunity to learn more about ourselves and the people we have to interact with. It therefore strengthens relationships and creates robust and healthy work

environments. Participant 5 also argued training can prevent people from discounting their responsibility to deal with uncomfortable situations.

Other identified benefits of using training to address workplace bullying and harassment:

- *Quick and Inexpensive:* It can happen quickly and it is not expensive. (Participant 3)
- *Transformative:* Training can change the culture of a workspace: “Eventually we basically want to work ourselves out of business. We want everybody to be able to handle it [conflict/bullying] themselves.” (Participant 12)

Challenges of Using Training to Address Workplace Bullying and Harassment

Three participants (1, 5, and 9) commented on the challenges of using training to address workplace bullying and harassment. Most of the participants (1 and 9) argued training might not be enough to fix the situation. Participant 5 noted a challenge with training people to address bullying and harassment is that we generally want others to deal with conflict: “Human beings are conflict adverse. We would rather have a team supervisor, or a conflict practitioner deal with the situation.” Participant 5 also mentioned that time is an issue. Organizations do not always give people the time or the skills to learn how to resolve conflict. If they do offer training, organizations do not generally allow time for employees to practice these skills.

One of the questions asked in the interviews was the following: When is it appropriate to use training to address workplace bullying and harassment?

Two participants (1 and 5) commented on these questions. Participant 1 argued training is appropriate when workers do not understand reasonable limits, and when people need to build their conflict management skills or their performance management skills. Participant 5 mentioned that using skills learned in training is appropriate in any situation where someone is uncomfortable: “It’s ok to feel uncomfortable one or two times but if three or four times it happens then you’re better off to let the other person know directly.”

One of the questions asked in the interviews was the following: When is it not appropriate to use training to address workplace bullying and harassment?

Only Participant 1 commented on this question. Participant 1 argued it is not appropriate to train an abrasive boss. These personality types need specialized training: “If you take a truly abrasive boss to a training course, they will try to figure out how they can use this to better achieve their goals in the workplace not to resolve conflict. They’ll use, for example, their understanding of BATNA (best alternative to a negotiated agreement) to bully people into saying yes to them.” Participant 1 also noted training is unlikely going to resolve bullying and harassment situations: 1) if there are individual conflicts that need to be addressed through mediation; 2) if there are systemic issues that need to be addressed through a group intervention; 3) if there are people in the workplace who are resistant to turning the page because they have been abused for too long; or 4) if the target of all this training is an abrasive boss.

5.2 Transformative and Restorative Interventions

All the participants in this study were asked if they thought there is a need and a place for transformative and restorative interventions to address workplace bullying and harassment. All the participants agreed there is. All the participants in this study also argued their approach to addressing workplace bullying and harassment restores workplaces and has the potential to transform the parties and their workgroups. The only exception to this is investigations. Although Participant 3 and 10 mentioned investigations are necessary, they did not argue they have the potential to be transformative or restorative. Participant 1, however, argued that investigations have the ability to be a transformative experience for the complainants: “People are going to get a new manager, somebody who respects them. They’re going to go to their jobs in the morning and they’re going to love their work and they’re going to love being there, and they’re going to finally feel like their employer is taking the workplace seriously and is making the

workplace a respectful workplace. So that can be extremely transformational.” (Participant 1) The only thing that really differed is the participants’ definitions of transformative and restorative interventions, as well as when they think these interventions are appropriate and when they are not.

All of the participants argued there is a need and a place for transformative and restorative interventions because investigations are not enough to resolve workplace bullying and harassment situations. The participants argued that transformative and restorative intervention practices like mediation, coaching, Abrasive Boss Coaching, workplace conferences, peacemaking circles, group processes and training, offers the parties a chance to change their behaviour and their environment and to restore parties back into the workplace instead of punishing them. They noted transformative and restorative interventions allow the parties to talk about their emotions, to acknowledge behaviours, and to talk about the impacts of certain behaviours.

5.3 Participants’ Views on the New Worksafe BC Policies

The researcher asked the participants: “Are you aware of the new policies and legislation in British Columbia? Have they made a difference in how you are responding to bullying and harassment?”

Half of the participants (3, 4, 5, 8, 9, and 10) knew about the new legislation and the new policies in British Columbia. Participant 1, 3, 4, 5, 9, and 10 all work with organizations in British Columbia. They all mentioned the new legislation and the new policies have not made a difference in how they are responding to workplace bullying and harassment in terms of interventions. Participant 1 noted the Ontario workplace bullying legislation made their office much busier. Participant 3 and 5 also mentioned the new legislation and the Worksafe BC policies made their offices busier. Participant 3, for example, noted that they have been exceedingly busy helping organizations meet the requirements for policies, and education/training.

Participants 5, 6, 9, 10 and 12 all expressed concerns about the new Worksafe BC policies. These participants are concerned the policy states that every allegation of bullying or harassment needs to be investigated. The participants were also concerned the policies did not mention alternatives to investigation. Participant 10 mentioned that by “investigated” Worksafe BC means the bullying situation needs to be investigated by the employer who will hire an external investigator or ensure a manager conducts an investigation. Participant 10 noted a challenge with this is that managers generally do not have any training in conducting investigations: “In my experience where there has been a line manager conducting an investigation they’ve got it wrong, they’ve jumped to conclusions, they haven’t really delved into it. They’re not trained investigators.” (Participant 10) Participants 1, 3, 4, 5, 8 and 9 also mentioned that most situations that are labeled bullying situations are not in fact bullying situations.

5.4 Suggestions from the Participants

The participants were asked if they had any suggestions for RJV if they decide to initiate and promote restorative and transformative interventions in workplace settings to address allegations of bullying and harassment. All the participants had suggestions for RJV.

Three participants had business suggestions for RJV. Participant 5, for example, mentioned that it would be good business practice for RJV to be clear about what workplace conflict resolution processes they are offering, to agree on a maximum of three processes, and become very good at them. Participant 5 also suggested RJV plan how they will hire and train facilitators, and how they will obtain clients and that they should absolutely charge for their services in the workplace. Participant 5 charges 3500\$ a day to do workplace conferences. This fee includes an assessment of the situation, preparation for the conference, the actual conference, follow-up and a comprehensive report to the organization explaining how systemic

issues contributed to the behaviour and allowed it to continue. Participant 9 argued that since RJV is a non-profit organization, they should initiate workplace restorative interventions in the non-profit sector. Participant 4 also suggested RJV should work in pairs, and have a way of communicating learning. This would build collective capacity. There could be a program of institutional learning: "...every time someone or a pair of people did one of those cases they could do a little workshop on it so that everyone could learn about it."

Five participants made suggestions concerning conflict coaching. Most of these participants (4, 7, 8 and 11) argued RJV should either consider offering conflict coaching to clients or liaise with conflict coaches to help with their interventions since workplace conferences or peacemaking circles might not be enough to fully address the situation. Participant 6 and 11 noted Abrasive Boss Coaching could also be an option for RJV.

Three participants stressed RJV should understand that conflict resolution in the criminal justice system is not the same as in the workplace. Participant 7 stressed RJV should understand that workplace conflict resolution is not a victim centered practice like restorative justice in the criminal justice system; and noted that it is critical for workplace conflict practitioners to be able to empathize with the respondent and ensure their rehabilitation into the workplace through coaching. Participants 8, 9 and 12 suggested RJV not use the words 'victim' and 'offender' in the workplace because there are not always clear victims and offenders in the workplace bullying and harassment cases. Workplace bullying and harassment does not happen in isolation. Using the words victim and offender would also be pre-determining the roles of the parties before the case is properly assessed. All the participants that were interviewed for this research avoided the terms "victim" and "offender."

Three participants (7, 8 and 10) suggested RJV liaise with policy makers to help workplace incorporate restorative values and processes in their organization in order to prevent bullying and harassment. Participant 10 also added RJV should lobby Worksafe BC to change their investigation-focused approach to bullying and harassment to include restorative options for allegations of bullying and harassment.

A significant number of participants had suggestions on how RJV should approach intervening in workplace bullying and harassment conflicts. Participants 1 and 10 suggested RJV use a multi-dimensional approach. They re-stated that conflict practitioners addressing bullying and harassment in the workplace should not have a cookie cutter solution (i.e. they should not simply use workplace conferences or transformative mediation), and argued there are many different types of bullying and harassment situations that deserve different interventional approaches. Four participants (1, 2, 4 and 7) also suggested RJV ensure there is a proper assessment of the situation before deciding the appropriate course of action and intervention. Participant 4 specifically noted that this assessment cannot be done by telephone; that workplace conflict practitioners need to go on site, and talk to people to properly assess the situation. Participant 4 suggested that once the assessment is done RJV should then present a proposal about what kind of intervention they will use to address the situation.

Participants 1 and 3 recommended RJV understand when and where their processes should and should not be used. They stated RJV also needs to better understand harassment and bullying in the workplace. For example, where allegations of harassment come from (someone's expectations might be unreasonable, some people do not know what harassment is, some may be exaggerating, or someone might be a victim of something horrible). They need to understand what is at stake if the parties and/or the organization feel that the process [workplace conference] was not helpful (Participant 2).

6.0 Discussion of the Findings

This chapter offers an analysis of the interview findings, and discusses the significance of these findings for RJV. This discussion also links the findings of this research to the literature review and the conceptual framework. This chapter is divided in two sections. The first section discusses the data in the overview section of this report. The second explores whether there is a need and a place for restorative and transformative interventions. The recommendation chapter (7.0) will discuss how RJV can offer restorative and transformative interventions to organizations experiencing allegations of workplace bullying and harassment.

6.1 Overview of Workplace Bullying and Harassment Interventions

This study found that the literature on workplace bullying and harassment can be divided into five categories: the classification of intervention strategies according to escalation models, the appropriateness of mediation to address workplace bullying, how organizations are responding to workplace bullying, the appropriateness of multi-levelled interventional strategies, and the appropriateness of restorative interventions. This study focused on how workplace bullying and harassment is currently being addressed in terms of interventions by practitioners. This study therefore did not concern itself with how organizations are responding to workplace bullying and harassment. It also did not concern itself with intervention strategies according to early escalation models since they are out of date. It did, however, consider available interventions used by workplace conflict management practitioners in addressing allegations of workplace bullying and harassment. The use of mediation, multi-levelled approaches, and restorative practices were therefore explored. This section of the discussion explores the findings of the research in relation to the literature findings on mediation, workplace conferences and multi-levelled approaches.

6.1.1 Mediation

This section discusses a discrepancy found in this study on the appropriateness of mediation. The literature review identified recent studies that found transformative and facilitative mediation to be appropriate to address workplace bullying and harassment (McCulloch, 2010; Jenkins, 2011; Seagriff, 2010). For example, McCulloch (2010) found mediation is appropriate to address workplace bullying and harassment issues if it is a safe facilitative process where emotion is acknowledged, and the mediator works with the parties to educate them about the nature of bullying (McCulloch, 2010). The interview findings support this. Most of the participants (2, 4, 9 and 10) that practiced mediation argued a benefit of mediation is that it creates a learning environment, allowing the parties to talk about their intentions, the impact of certain behaviours, and learn from one another as they craft their own agreement and path forward. Most of the participants also noted mediation can rebuild and restore relationships (Participants 1, 2, 4, and 11) and that it can be a transformative experience (Participants 1, 4, 9 and 11). Participant 1 and 4 further noted that mediators help the parties express and acknowledge emotions.

The literature on the appropriateness of mediation also, however, questions the use of mediation as an appropriate intervention to address allegations of bullying and harassment. The findings of this study support some of the arguments that question the use of mediation. The literature review, for example, questioned the use of mediation because the parties in bullying cases may not be able to equally defend themselves in mediation since there is a power imbalance between the target and the person who did harm (Keasly & Nowell, 2003; Ferris 2004; Duncan, 2011; Sebok, 2010; Ferris, 2004). The interview findings of this study show that mediation is not appropriate to deal with really serious cases of bullying or harassment where the complainant has been completely traumatized by the actions of the respondent, and/or when there is a really big power imbalance between the complainant and the respondent. It did,

however, determine that mediation is appropriate when there is a reasonable chance of salvaging the relationship. The participants mostly stated mediation is appropriate, for example, when the parties are able to recognize and admit they have contributed to the situation, when the parties are willing and able to talk about their behaviours, and when the parties are genuinely interested in connecting with the other person over what happened. Mediators check in with participants to make sure they are feeling safe and comfortable. If they are not, they work with the individuals to make sure they are. This might involve individually checking in with the participants in private coaching sessions, inviting a support person, a union representative, or managers to be involved in problem solving and in reaching an agreement.

The literature review also identified mediation to focus on present and future behaviours instead of addressing past behaviours (Keasly & Nowell, 2003). The interview findings from this research did not, however, find that mediation merely focuses on present and future behaviours. The literature review furthermore identified mediation to not be an appropriate intervention because it is a confidential process that keeps wrongdoings from public scrutiny (Keasly & Nowell, 2003). The interview participants did not find this to be an issue. Participant 2, however, did mention that the confidentiality of mediation is challenging for management since they need to feel satisfied they have met their obligation to resolve the situation.

The literature on mediation and the findings of this research are therefore divided on the use of mediation to address workplace bullying and harassment. What this research has found, however, is that mediation is appropriate if there has been an assessment of the situation to determine how the situation should be handled. Most of the participants (1, 2, 3, 4, 5, 6, 7, 8, 9, and 10) in this study stressed the importance of assessing the situation before deciding what intervention to use. Most of the participants (1, 2, 3, 7, 9, 10, 11 and 12) also argued choosing an appropriate course of action essentially depends on what the situation looks like. Participant 1 and 2, for example, mentioned it is not fair to say there is one intervention you will always do in one circumstance and another that you never do in any circumstance. They argued it is more a question of trying to identify what is the most appropriate intervention for the circumstances, and choosing the option, or options, with the least risk.

The literature on workplace bullying and harassment intervention does not stress the need to assess a situation before deciding an appropriate course of action. Essentially, the focus of the literature on workplace bullying and harassment interventions is either on dismissing the appropriateness of a certain method, or promoting a certain method. The literature reviewed for this project did not promote the view that you should do an assessment and then consider what to do. This study has, however, found that assessing the situation is critical. Participant 1 said it best:

“If I’m a mediator and I walk up to a problem in the workplace and I just put on my mediator hat and I don’t put on any other hat to try to understand the problem and look for solutions.... I say “Ah, the solution to all workplace problems is mediation.” Or, if I want to go further than that I can say: “The solution to all workplace problems is transactional mediation, or transformational mediation. If I take that approach, I am trying to take a peg and bang it into the hole that’s in front of me without looking at what the hole looks like. There are different pegs with different shapes. What you have to figure out is what the hole looks like before you start banging a peg in it. Anybody that takes the approach that there is only one solution [intervention] to all workplace problems doesn’t understand the workplace. (Participant 1)

6.1.2 Workplace Conferences

The literature review also identified a discrepancy on when workplace conferences are appropriate to address workplace bullying and harassment. This discrepancy was also found in the interview findings. The majority of participants (2, 3, 8, and 11) argued workplace conferences are only appropriate when there is preparedness by the person who has caused harm to admit they have contributed to the situation.

They stated it would not be appropriate to go ahead with a workplace conference if the respondent is denying contribution or involvement in the bullying or harassment situation. Contrary to Participants 3, 8 and 11, Participants 5 and 12 argued workplace conferences can be appropriate if a respondent does not admit to doing harm. Participant 5, for example, stated it would be appropriate because the group still needs to talk about what happened, and the respondent needs to learn the consequences of their behaviour by listening to the group talk about their experiences.

Restorative conferences in the criminal justice system are only conducted if an offender has admitted a certain amount of guilt. More research needs to be conducted on the appropriateness of restorative conferences in order to determine if bullying and harassment cases can be conducted with or without the respondent admitting they engaged in bullying behaviour.

6.1.3 Multi-Levelled Approach to Workplace Bullying and Harassment

This study has found there are numerous appropriate interventions used to address workplace bullying and harassment. The practitioners in this study all had a different approach. Some participants used investigations, others mediation, conflict coaching, Abrasive Boss Coaching, workplace conferences, peacemaking circles, group processes and training. All the interventions detailed in the “Overview of Interventions Used to Address Workplace Bullying and Harassment” section of this report have been found to have benefits, challenges, and seem to be appropriate to address allegations of workplace bullying and harassment given the right circumstances.

This finding is important because it challenges the idea that there is only one appropriate intervention to address workplace bullying and harassment. The literature review for this study found workplace bullying and harassment is best addressed when practitioners use multi-levelled interventions to address not only the needs of the individuals, but also the needs of the workgroup and the organization. The findings of this study support this research. Most of the participants in this study stressed that addressing specific symptoms involves custom designing multi-levelled interventional approaches to address the specific needs of the parties, management, and the organization. Essentially, the participants argued there is not one solution, but many solutions to address different needs and symptoms.

What differed were the participant’s views on solutions. The workplace conflict practitioners interviewed for this study all had a preferred combination of interventions. Some participants used a combination of mediation and training, restorative conferences and Abrasive Boss Coaching, while others used investigations and coaching, or Abrasive Boss Coaching and training, for example. The findings of this study do not, however, mirror the findings from the studies considered in the literature review that supported the use of a multi-levelled approach (Heames & Harvey, 2006; Johnson, 2011; Saam, 2010; Jenkins, 2011). These studies considered mediation, conflict coaching, organizational development, building legislation and/or educational campaigns, team building, conflict resolution workshops, training, counselling for individuals to address psycho-social outcomes, and health care to address physical outcomes as appropriate interventions to address workplace bullying and harassment. This study identified four new interventional approaches that were not considered by the studies in the literature review. These studies did not consider workplace conferences, peacemaking circles, Abrasive Boss Coaching and group interventions as appropriate interventions to use in a multi-levelled approach to addressing workplace bullying and harassment.

6.2 Need and a Place for Restorative and Transformative Interventions

This study challenges the idea that formal investigations should always be conducted to address allegations of workplace bullying and harassment. Worksafe BC has only informed the public about one solution to address workplace bullying and harassment: investigations. This research has, however, shown

Workplace Bullying and Harassment: Exploring Promising Practices

there is a need and a place for numerous different transformative and restorative interventions to address workplace bullying and harassment. All of the participants argued there is a need and a place for transformative and restorative interventions because investigations are not enough to resolve workplace bullying and harassment situations. The only thing that really differed is the participants' definitions of transformative and restorative interventions, as well as when they think these interventions are appropriate and when they are not.

The participants of this study found the new Worksafe BC policies to be concerning because they indicate the only solution to workplace bullying and harassment is formal investigations. The participants found this to be concerning because investigations are adversarial processes that destroy workplace relationships. This study found a benefit of investigations is collecting evidence and making findings concerning a serious bullying situation, but that investigations should only be used to address very serious allegations of bullying and harassment.

The literature review found that unlike mediation, restorative interventions, like workplace conferences and workplace circles, allow all the participants that are affected by a bullying situation to collectively identify the harm, and to actively become engaged in crafting a solution that addresses not only the needs of the individuals, but the needs of the group and of the organization. The interview findings of this study support this finding. A significant number of the participants (5, 9, 11, and 12) agreed a benefit of workplace conferences is that workplace conferences and restorative philosophy recognizes bullying and harassment does not happen in isolation between two or three people. They argued that workplace conferences voluntarily bring a system of relationships together: 1) to gain clarity about the bullying/harassment situation; 2) to learn about one another; 3) to understand the impact of the abrasive behaviours not only on the complainant and the respondent, but on the workplace and the organization as a whole.

The findings of this research are important for RJV to consider as they craft a plan on how they will help organizations address workplace bullying and harassment. The findings on the numerous available appropriate interventions detailed in this report will help RJV during the assessment portion of the intake of cases as they decide what interventional approaches they will adopt and when.

Further research is needed on workplace bullying and harassment interventions. Possible areas of interest might include exploring interventions to address group bullying in the workplace, and exploring if certain tactics are helpful for specific populations (considering age, gender and culture). Research could also be conducted on the tension in choosing an appropriate intervention to address either a conflict where there is an allegation of workplace bullying (conflict) or whether someone has actually bullied (i.e. someone has committed a crime).

7.0 Recommendations and Implementation Strategy

This chapter explores how Restorative Justice Victoria (RJV) can offer restorative and transformative intervention services to organizations wanting to address workplace bullying and harassment. The researcher came up with five recommendations that RJV should consider if they decide to initiate restorative or transformative interventions in the workplace to address bullying and harassment.

Recommendation 1: Restorative Justice Victoria should conduct a thorough assessment of the situation before deciding which intervention(s) they ought to use to address the bullying and harassment situation.

Assessing the situation will give RJV an understanding of what the problem is and what they need to do about it. Most of the participants (1, 2, 3, 4, 5, 6, 7, 8, 9, and 10) in this study stressed the importance of assessing the situation before deciding what intervention to use. This is done by interviewing the parties (the complainant(s), the respondent(s), union representatives, managers, and workers) to gain an understanding of what has occurred, who was involved, what kind of behaviours are being exhibited and over what period of time.

They argued conflict practitioners should be appreciating all the different nuances with individual situations and that, since allegations of bullying and harassment run on a spectrum, it is essential to do an assessment of the situation to determine the best course of action that will address specific symptoms. Participant 4 specifically noted this assessment cannot be done by telephone and that workplace conflict practitioners need to go on site, and talk to people to properly assess the situation. Participant 4 suggested that once the assessment is done RJV should then present a proposal about what kind of intervention(s) they will use to address the situation.

Implementation of recommendation: Practitioners at RJV might need specialized training in workplace conflict management to properly assess allegations of workplace bullying and harassment. Training would be beneficial for practitioners at RJV. The assessments for workplace bullying and harassment situations might take more time than the criminal cases RJV is used to. More time might therefore need to be allocated for practitioners to assess the situation. RJV should also think about developing an assessment checklist for workplace conflict practitioners. A checklist would be helpful for practitioners new to this profession.

Recommendation 2: Restorative Justice Victoria should always liaise and consult with workplace conflict practitioners that specialise in different interventions to address workplace bullying and harassment in order to offer a multi-levelled interventional approach to clients.

The literature review and the interview finding of this study suggests workplace conflict practitioners should be offering clients a multi-levelled approach to addressing workplace bullying and harassment in order to meet not only the needs of the individuals, but the needs of the workgroup and the organization. This study has shown that restorative practices have the potential to address some of the needs of the individuals, the workgroup and the organization but it has also shown that restorative interventions might not be enough to address allegations of bullying and harassment. Restorative Justice Victoria should therefore know where to refer clients that might need interventions RJV does not offer.

A multi-levelled interventional approach could also involve policy building. Three participants (7, 8 and 10) suggested RJV liaise with policy makers to help workplaces incorporate restorative values and processes in their organization in order to prevent bullying and harassment.

Implementation of recommendation: Restorative Justice Victoria will need to network to find practitioners that specialize in investigations, mediation, Abrasive Boss Coaching, conflict coaching, training and policy building. RJV might also need to consider setting up a network of practitioners on their website.

Recommendation 3: Restorative Justice Victoria should produce a brief online pamphlet to make it easy for practitioners to access and use the findings of this research.

This study has found there are numerous appropriate interventions used to address workplace bullying and harassment. The practitioners in this study all had a different approach. Some participants used investigations, others mediation, conflict coaching, Abrasive Boss Coaching, workplace conferences, peacemaking circles, group processes and training. All these interventions detailed in the findings chapter of this report have been found to have benefits, challenges, and seem to be appropriate to address allegations of workplace bullying and harassment given the right circumstances. Since there is little available information to help practitioners understand what is the best course of action to take and when, RJV should create a pamphlet for their practitioners to guide their decision making. The workplace conflict practitioners at RJV should use the information in the pamphlet as a reference. The pamphlet should include information on the benefits, the challenges, and the appropriateness of interventions used to address allegations of workplace bullying and harassment. This information will help practitioners at RJV understand the different options they have when intervening in situations involving allegations of workplace bullying and harassment.

Implementation of recommendation: Summarizing the information in this research would take a few hours. The information could be distributed to RJV practitioners via email. RJV could also consider providing this information on their website.

Recommendation 4: Restorative Justice Victoria should consider the business recommendations from Participants 4, 5 and 9.

Participant 5, for example, mentioned that it would be good business practice for RJV be clear about what workplace conflict resolution processes they are offering, to agree on a maximum of three processes, and become very good at them. Participant 5 also suggested RJV plan how they will hire and train facilitators, and how they will obtain clients and that they should absolutely charge for their services in the workplace. Participant 5 charges 3500\$ a day to do workplace conferences. This fee includes an assessment of the situation, preparation for the conference, the actual conference, follow-up and a comprehensive report to the organization explaining how systemic issues contributed to the behaviour and allowed it to continue.

Implementation of recommendation: Restorative Justice Victoria (RJV) should consider developing a business plan to implement this recommendation. They will need to plan what interventions they will be advertising, how much they will charge, and how much training practitioners will cost.

Participant 9 argued that since RJV is a non-profit organization, they should initiate workplace restorative interventions in the non-profit sector.

Implementation of recommendation: Restorative Justice Victoria (RJV) could network with other non-profit organizations.

Participant 4 suggested RJV should work in pairs, and have a way of communicating learning. This would build collective capacity. There could be a program of institutional learning: "...every time someone or a pair of people did one of those cases they could do a little workshop on it so that everyone could learn about it."

Implementation of recommendations: Practitioners at RJV already work in pairs for criminal cases so this should not be an issue. Communicating learning could be done via an online network. Practitioners could post case information, intervention methods and outcomes online.

Recommendation 5: Restorative Justice Victoria should use the words “complainant” and “respondent” when referring to parties in a workplace bullying and harassment situation.

All the participants in this study did not use the words “victim” and “offender.” The researcher used this language to describe the parties in workplace bullying and harassment situations. All the participants, however, informed the researcher that the words “victim” and “offender” are not used in the workplace conflict management field. They argued that using these words presupposes the roles of the parties. The participants stressed it is important to objectively go into a workplace to assess the situation and to go through a process to determine whether there has been bullying or not before you can make assumptions about whether there is a victim and an offender. The practitioners in this study therefore urged the researcher to use the language of workplace conflict management when talking about the parties. They stressed and the proper terms to use are “complainant” and “respondent.”

Implementation of recommendation: RJV could include this information in an online information pamphlet (see recommendation #3)

8.0 Conclusion

This project has determined that practitioners need to have an open mind about bullying situations and about what interventions they can use. It has also determined there is no a cookie-cutter solution to workplace bullying and harassment. Practitioners have many tools in their intervention toolbox. What practitioners need to be doing is taking a pause, assessing the situation, and evaluating what intervention(s) is the best to use and when. This report contains valuable information on the benefits, the challenges, and the appropriateness of intervention strategies to address workplace bullying and harassment. It is not meant to make objective claims on the appropriateness of intervention strategies, but to explore the current state of the field.

Bibliography

- About Us. (n.d.) *Restorative Justice Victoria*. Retrieved June 4, 2013 from <http://rjvictoria.wordpress.com/about/>
- Barish Bush, R.A. & Folger, J.P. (1994). *The promise of mediation: responding to conflict through empowerment and recognition*. San Francisco: Jossey-Bass.
- Baron, R. A., & Neuman, J. H. (1996). Workplace violence and workplace aggression: evidence on their relative frequency and potential causes. *Aggressive Behavior*, 22(3), 161-173.
- Bartlett, J.E., & Bartlett, M.E. (2011) Workplace bullying: an integrative literature review. *Advances in Developing Human Resources*, 13(1), 69-84.
- Bill M212 – 2012 Workplace Bullying Prevention Act. (2012). 1st Reading February 29th 2012, 39th Parliament, 4th Session. Retrieved June 6, 2013 from http://www.leg.bc.ca/39th4th/1st_read/m212-1.htm
- Bill M203 – 2013 Workplace Bullying Prevention Act. (2013). 1st Reading February 26th 2013, 5th Session, 39th Parliament. Retrieved June 6, 2013 from http://www.leg.bc.ca/39th5th/1st_read/m203-1.htm
- Björkqvist, K., Österman, K., & Hjelt-Bäck, M. (1994). Aggression among university employees. *Aggressive Behavior*, 20(3), 173-184.
- Bloch, C. (2012). How witnesses contribute to bullying in the workplace. In Tehrani, N. (Ed.), *Workplace bullying: symptoms and solutions* (pp. 81-96). New York: Routledge.
- Bowling, N. (2006). Workplace harassment from the victim's perspective: a theoretical model and meta-analysis. *Journal of Applied Psychology*, 91(5), 998-1012.
- Braun, V. & Clarke, V. (2006). Using thematic analysis in psychology. *Taylor Francis*, 3(2), 77-101.
- Brousse, G. et al. (2008). Psychopathological features of a patient population of targets of workplace bullying. *Occupational Medicine*, 58, 122-128.
- Bullying in the Workplace. (2005). *Canadian Centre for Occupational Health and Safety*. Retrieved August 1, 2013 from <http://www.ccohs.ca/oshanswers/psychosocial/bullying.html>
- Bulutlar, F., & Öz, E. (2009). The effects of ethical climates on bullying behaviour in the workplace. *Journal of Business Ethics*, 86(3), 273-295.
- Cameron, L. & Thorsborne, M. (2001) Restorative justice and school discipline: mutually exclusive? In H. Strang, J. Braithwaite (Eds.), *Restorative justice and civil society* (pp. 180-194). Cambridge: Cambridge University Press.
- Cooper-Thomas, H. et al (2013). Neutralizing workplace bullying: the buffering effects of contextual factors. *Journal of Managerial Psychology*, 28(4), 384-407.

Workplace Bullying and Harassment: Exploring Promising Practices

- Crawshaw, L. (2007). *Taming the abrasive manager: how to end unnecessary roughness in the workplace*. San Francisco: Jossey-Bass.
- Crawshaw, L. (2009). Workplace bullying? Mobbing? Harassment? Distraction by a thousand definitions. *Consulting Psychology Journal: Practice and Research*, 61(3), 263-267.
- Duncan, S. (2011) Workplace bullying and the role restorative practices can play in preventing and addressing the problem. *Industrial Law Journal*, 32, 2331-2366.
- Einarsen, S., Raknes, B., & Matthiesen, S. (1994). Bullying and harassment at work and their relationships to work environment quality: an exploratory study. *European Work & Organizational Psychologist*, 4(4), 381-401.
- Evans, J. (2010). The critical step of current-state analysis and review in strategic planning. Retrieved June 7th, 2014 from:
<http://www.methodframeworks.com/article/critical-step-current-state-analysis-review-strategic-planning/index.html>
- Ferris, P. (2004). A preliminary typology of organizational response to allegations of workplace bullying: see no evil, hear no evil, speak no evil. *British Journal of Guidance & Counselling*, 32(3), 389-395.
- Fisher, R. & Keasly, L. (1990). Third party consultation as a method of intergroup and international conflict resolution. In R. Fisher (Ed.), *The social psychology of intergroup and international conflict resolution* (pp.211-238). New York: Springer.
- Fox, S. & Stallworth, L. (2009). Building a framework for two internal organizational approaches to resolving and preventing workplace bullying: alternative dispute resolution and training. *Consulting Psychology Journal: Practice and Research*, 61(3), 220-241.
- Glasl, F. (1982). The process of conflict escalation and the roles of third parties. In G. Bomers & R. Peterson (Eds.), *Conflict management and industrial relations* (pp. 119-140). Boston: Kluwer-Nijhof Publishing.
- Harris, M.K. (2006). Transformative justice: the transformation of restorative justice. In Sullivan, D. & Tifft, L. (Eds), *The handbook of restorative justice* (pp. 555-566). New York: Routledge.
- Heames, J. & Harvey, M. (2006). Workplace bullying: a cross-level assessment. *Management Decisions*, 44(9), 1214-1230.
- Hutchinson, M. (2009). Restorative approaches to workplace bullying: educating nurses towards shared responsibility. *Contemporary Nurse*, 32(1-2), 147-155.
- Investigation Guide. (n.d.). *Investigation Guide: Workplace Bullying and Harassment*. Worksafe BC
Retrieved March 5, 2014 from
<http://www2.worksafebc.com/pdfs/Bullying/BullyingHarassmentInvestigationsGuide.pdf>
- Jenkins, M. (2011) Practice note: Is mediation suitable for complaints of workplace bullying? *Conflict Resolution Quarterly*, 29(1), 25-38.
- Johnson, S.L. (2009). International perspectives on workplace bullying among nurses: a review. *International Nursing Review*, 56, 34-40.

Workplace Bullying and Harassment: Exploring Promising Practices

- Johnson, S. (2011). An ecological model of workplace bullying: a guide for intervention and research. *Nursing Forum*, 46(2), 55-63.
- Keasly, L. & Nowell, B. (2003). Conflict, conflict resolution and bullying. In S. Einarsen, H. Hoel, D. Zapf, & C. Cooper (Eds.), *Bullying and emotional abuse in the workplace: international perspectives in research and practice* (pp. 339-358). New York: Taylor & Francis.
- Kidder, D. (2007). Restorative justice: not just “rights,” but the right way to heal relationships at work. *International Journal of Conflict Management*, 18(1), 4-22.
- Kivimaki, M., Virtanen, M. et al. (2003). Workplace bullying and the risk of cardiovascular disease and depression. *Occupational and Environmental Medicine*, 60, 779-783.
- Kivimaki, M., Elovainio, M. & Vahtera, J. (2000) Workplace bullying and sickness absence in hospital staff. *Occupational and Environmental Medicine*, 57(10), 656-660.
- LeBaron, M. (2001). *Conflict and Culture: a literature review and bibliography*. Victoria: Institute for Dispute Resolution.
- Lee, R.T. & Brotheridge, C.M. (2007). When prey turns predatory: workplace bullying as a predictor of counteraggression/bullying, coping, and well-being. *European Journal of Work and Organizational Psychology*, 15(3), 352-377.
- Legislation and Regulation. (n.d.) *Worksafe BC*. Retrieved August 16 from http://www.worksafebc.com/regulation_and_policy/legislation_and_regulation/
- Leymann, H. (1990). Mobbing and psychological terror at workplaces. *Koerner Current Journals*, 5 (2), 119-126.
- Matthiesen, S. & Einarsen, S. (2004). Psychiatric distress and symptoms of PTSD among victims of bullying at work. *British Journal of Guidance & Counselling*, 32(3), 335-356.
- McCluskey, G., Lloyd, G., Stead, J., Riddell, S., & Weedon, E. (2008) ‘I was dead restorative today’: from restorative justice to restorative approaches in school. *Cambridge Journal of Education*, 38 (2), 199-216.
- McColloch, B. (2010). Dealing with bullying behaviours in the workplace: what works—a practitioner’s view. *Journal of the International Ombudsman Association*, 3(2), 39-51.
- Moayed, F.A., Daraiseh, N., Shell, R. & Salem, S. (2006) Workplace bullying: a systematic review of risk factors and outcomes. *Theoretical Issues in Ergonomics Science*, 7(3), 311-327.
- Moore, D.B. (1998). Justice in the Workplace: The Transformation of Economic Communities. *University of Humanity and Society*, 22(1), 79-97.
- Morrison, B. (2001) The school system: developing its capacity in the regulation of a civil society. In H. Strang, & J. Braithwaite (Eds.), *Restorative justice and civil society* (pp. 195-210). Cambridge: Cambridge University Press.
- Noble, C. (2012). Conflict Management Coaching: The Cinergy Model. Cinergy Coaching.

Workplace Bullying and Harassment: Exploring Promising Practices

- Nugent, W.R., Williams, M., & Umbreit, M.S. (2003). The practice of restorative justice: participation in victim-offender mediation and the prevalence and severity of subsequent delinquent behaviour. *Utah Law Review Society*, 23(1), 137.
- Occupational Health and Safety. (n.d.) *Worksafe BC*. Retrieved June 24, 2013 from <http://www.workbc.ca/Workplace-Resources/Rights-Regulations/Pages/Occupational-Health-Safety.aspx>
- Occupational Health and Safety Regulations. (2012). Sections 4.24 and 4.26. Retrieved June 6, 2013 from http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freemode/296_97_02
- OVC's Technical Assistance Guide Series. (2010). Guide to conducting a needs assessment. Retrieved June 7, 2014 from <https://www.ovcttac.gov/taResources/OVCTAGuides/ConductingNeedsAssessment/pfv.html>
- Patthak, V., Bijayini, J. & Kalra, S. (2013). *Qualitative research*. Perspectives in Clinical Research, 4(3), 192.
- Pranis, K. (2006). *Healing and accountability in the criminal justice system: applying restorative justice processes in the workplace*. Benjamin N. Cardozo School of Law Journal of Conflict Resolution, 8(2), 659-676.
- Pompili, M.L., Innamorati, M., De Pisa, E., Iliceto, P., Puccinno, M., et al. (2008). Suicide Risk and exposure to mobbing. *Work: Journal of Prevention, Assessment and Rehabilitation*, 31(2), 237-243.
- Pringle, J., Drummond, J., McLafferty, E., & Hendry, C. (2011). Interpretative phenomenological analysis: a discussion and critique. *Nurse Researcher*, 18(3), 20-24.
- Rayner, C. & Cooper, C. (1997). Workplace bullying: myth or reality—can we afford to ignore it? *Leadership & Organization Development Journal*, 18(4) 211-214.
- Rayner, C., & Keasly, L. (2004). Bullying at work: a perspective from Britain and North America. In S. Fox & P.E. Spector (Eds.), *Counterproductive work behavior* (pp. 271–296). Washington, DC: American Psychological Association.
- Ritchie, J. & O'Connell, T. (2001). Restorative justice and the need for restorative environments in bureaucracies and corporations. In H. Strang & J. Braithwaite (Eds.), *Restorative justice and civil society* (pp. 149-164). Cambridge, UK: Cambridge University Press
- Rubin, J., Pruitt, D. & Kim, S. (1994). *Social conflict: Escalation, stalemate, and settlement* (2nd ed). New York: McGraw-Hill.
- Saam, N. (2010). Interventions in workplace bullying: A multilevel approach. *European Journal of Work and Organization Psychology*, 19(1), 51-75.
- Seagriff, B. (2010). Keep your lunch money: alleviating workplace bullying with mediation. *Ohio State Journal on Dispute Resolution*, 25(2), 575-602.
- Salin, D. (2009). Organizational responses to workplace harassment: an explanatory study. *Personnel Review*, 38(1), 26-44.

Workplace Bullying and Harassment: Exploring Promising Practices

- Saunders, P., Huynh, A., & Goodman-Delahunty, J. (2007) Defining workplace bullying behavior professional lay definitions of workplace bullying. *International Journal of Law and Psychiatry*, 30, 340-354.
- Sebok, T. (2010) Can bullying be mediated? *Workplace Bullying Institute*. Retrieved Sept 6, 2013 from <http://www.workplacebullying.org/2010/12/08/sebok-restorative-justice/>
- Sheehan, M. (1999). Workplace bullying: responding with some emotional intelligence. *International Journal of Manpower*, 20 (1/2), 57-69.
- Smith, J.A. and Osborn, M. (2003). Interpretative phenomenological analysis. In Smith, J.A. (ed), *Qualitative psychology: a practical guide to methods*. London: Sage.
- Smith, J., Flowers, P. & Larkin, M. (2009). Interpretative phenomenological analysis: theory, method and research. London: Sage.
- Soper, B., Von Bergen, C.W. & Zavaletta Jr., J.A. (2006). Legal remedies for workplace bullying: grabbing the bully by the horns. *Employee Relations Law Journal*, 32(3), 14.
- Thorsborne, Margaret (2000). *Beyond punishment - workplace conferencing: an effective organisational response to incidents of workplace bullying* Presented to the Beyond Bullying Association's "Responding to Professional Abuse" Conference St John's College, University of Queensland, Brisbane July 1999 and again to the Anzela Conference Adelaide, 2000.
- Vartia, M. (1996). The sources of bullying -- psychological work environment and organizational climate. *European Journal of Work and Organizational Psychology*, 5(2), 203-214.
- Vessey, J. et al. (2009). Bullying of staff registered nurses in the workplace: a preliminary study for developing personal and organizational strategies for the transformation of hostile to healthy workplace environments. *Journal of Professional Nursing*, 25 (5), 299-306.
- What Do We Do? (n.d.). *Restorative Justice Victoria*. Retrieved June 4, 2013 from <http://rjvictoria.wordpress.com/about/what-does-RJV-do/>
- What Do We Do? (n.d.). *Restorative Justice Victoria*. Retrieved June 4, 2013 from <http://rjvictoria.wordpress.com/about/what-does-RJV-do/>
- Workers Compensation Act (1996). Section 115(1)(a), 116(1)(a), and 117. Retrieved July 31, 2013 from http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96492_00
- Workplace Compensation Amendment Act. (2011). Section 5.1. 4th Session, 39th Parliament, Third Reading. Retrieved June 5, 2013 from http://www.leg.bc.ca/39th4th/3rd_read/gov14-3.htm
- Worksafe BC. (May 2012). *Discussion Paper*. Retrieved: June 3, 2012 from http://www.worksafebc.com/regulation_and_policy/policy_consultation/assets/pdf/BullyingHarassment.pdf
- Worksafe BC (2013). Policy Item D3-115-2 RE: Employer Duties - Workplace Bullying and Harassment. Retrieved February 2, 2014 from <http://www2.worksafebc.com/Publications/OHSRegulation/Policies-WorkersCompensationAct.asp#SectionNumber:D3-115-2>

Workplace Bullying and Harassment: Exploring Promising Practices

Worksafe BC. (n.d. a). *A handbook on preventing and addressing workplace bullying and harassment.* P.12 Retrieved February 27, 2014 at <http://www2.worksafebc.com/pdfs/Bullying/BK137.pdf>

Worksafe BC. (n.d. b). *Resources: Bullying and harassment in the workplace.* Retrieved July 31, 2013 from <http://www2.worksafebc.com/Topics/BullyingAndHarassment/Home.asp>

Worksafe BC. (n.d. c) *Prevention Manual.* Retrieved March 3, 2014 from http://www2.worksafebc.com/pdfs/bullying/BH_policies_Nov1_2013.pdf

Zapf, D. & Einarsen, S. (2005). *Mobbing at work: Escalated conflicts in organizations.* (pp. 237-270.)

Zapf, D. & Goss, C. (2001). Conflict escalation and coping with workplace bullying: A replication and extension. *European Journal of Work and Organizational Psychology*, 10 (4), 497-522.

Zapf, D., Knorz, C. & Kulla, M. (1996). On the relationship between mobbing factors, and job content, social work environment, and health outcomes. *European Journal of Work and Organizational Psychology*, 5 (2), 215-237.

Zehr, H. (2002). *The little book of restorative justice.* Intercourse, PA: Good Books.

Zehr, H. (2011, March 10). *Restorative Justice or Transformative Justice? Restorative Justice Blog.* Wordpress MU. Retrieved from: <http://emu.edu/now/restorative-justice/2011/03/10/restorative-or-transformative-justice/>

Appendices

Appendix 1: Workplace Conference Process

Taken from: Thorsborne, Margaret (2000). *Beyond punishment - workplace conferencing: an effective organisational response to incidents of workplace bullying* Presented to the Beyond Bullying Association's "Responding to Professional Abuse" Conference St John's College, University of Queensland, Brisbane July 1999 and again to the Anzela Conference Adelaide, 2000.

The workplace conference has three major phases and requires considerable commitment by management: preparation, the conference itself and follow-up.

Preparation:

1. *Identification of key people* who have become involved in the management of the difficulty, and/or who have been most affected, either emotionally or operationally (or both) by the original behaviour and its aftermath.
2. *Carefully structured interviews with all parties*. This process is vital to the success of the conference. Such interviews for staff average around one hour but vary with those more affected. This part of the preparation provides those affected with an initial chance to share the burden the difficult behaviour has placed on each of them, and allows the facilitator insights into the history of the case, individual's personalities and builds trust between him/her and the participants. This trust is critical when people are particularly fragile and the issues difficult and sensitive.
3. *Other issues identified*. Often, interviews reveal that there are other issues between staff that may have nothing to do with the offending behaviour, but will need to be resolved for the organisation to go forward. These are dealt with during or before the conference.
4. *Venue* (privacy is paramount) and an *appropriate time* need careful thought. Conferences may take some three or more hours (the case study outlined below effectively took a whole day). Staffing the office while key people are engaged in this difficult work needs to be considered. Refreshments are needed both during and/or after the conference.

The Workplace Conference:

1. The conference, conducted by an appropriately skilled facilitator, is attended by those identified during interviews as being central to the situation and who are willing to participate in the process of repair.
2. The conference will focus on, usually, the latest event that has occurred in the workplace. This will raise a host of other issues identified during interviews across the range of affected staff. These will be systematically addressed. The philosophy of this approach lies in identifying the harm to relationships and encouraging people to take responsibility for their part in how the situation unfolded.
3. An agreement in the form of an action plan, with clearly articulated responsibilities and timelines, will be negotiated and signed off by all parties responsible. It will reflect plans for repair and protection of workplace relationships.

Follow-up:

1. Compliance with the agreement is monitored both internally (by individuals identified during agreement formation) and externally (by the facilitator) at an agreed interval. The facilitator continues to provide support for individuals and the organisation and is available for further problem solving should a need arise.
2. A report to management which may include recommendations for some changes in systems or approaches is submitted at the conclusion of the work.

Appendix 2: Participant Consent Form



University
of Victoria

Participant Consent Form

Transformative and Restorative Approaches to Workplace Bullying: Exploring Promising Practices

You are invited to participate in a study entitled “Transformative and Restorative Approaches to Workplace bullying: Exploring Promising Practices” that is being conducted by Chantal Beaudry on behalf of Gillian Lindquist, Program Coordinator, at Restorative Justice Victoria (RJV).

Chantal Beaudry is a graduate student in the department of Dispute Resolution at the University of Victoria and you may contact her if you have further questions by email at cbeaudry@uvic.ca or phone at 1-250-580-3274.

As a graduate student, I am required to conduct research as part of the requirements for a degree in Dispute Resolution. It is being conducted under the supervision of Tara Ney. You may contact my supervisor at 1-250-721-8199.

Purpose and Objective

Organizations in British Columbia are now required by law to develop policies on workplace bullying to ensure processes for investigating and documenting complaints or incidents of bullying. In response to this change in legislation, RJV is investigating how to support workplaces to respond to bullying and harassment using restorative and transformative intervention practices. The objective of this Masters Project is to assist with this initiative by investigating how bullying and harassment is being addressed in the workplace. Specifically, this project will explore how workplaces are responding to workplace bullying and harassment. The focus will be on the interventions that are used to respond to bullying and harassment complaints in the workplace. Ultimately, the goal of this project is to determine whether there is a need and a place for restorative and transformative practices, and, if so, under what circumstances can RJV offer restorative and transformative practices to organizations.

Client Information and the Importance of this Research

RJV's mandate is to ‘address crime and conflict in the community through restorative practices, and secondly, to engage in public education and outreach to ensure a broad base of support for, and participation in, community justice.’ Volunteer practitioners at RJV offer restorative justice services at no cost to clients referred by their community partners such as the Crown, the police, the Insurance Corporation of British Columbia (ICBC), and the University of Victoria. RJV also accepts referrals from businesses, individuals and organizations on a fee for service basis. This study is an opportunity for RJV to learn from other practitioners about how bullying and harassment is being addressed in the workplaces in order to support workplaces who are responding to the new workplace bullying legislation in British Columbia.

Participants Selection

You are being asked to participate in this study because you are a conflict practitioner.

What is involved?

Workplace Bullying and Harassment: Exploring Promising Practices

If you consent to voluntarily participate in this research, your participation will include involvement in an interview which will take approximately 30-45 minutes, with the possibility of a brief follow up to clarify any outstanding information. The interview will be audio-recorded, transcribed then analysed. If you are unable to meet in person, interviews will be conducted by Skype.

The interview questions are divided in two sections. Section one is a demographic interview. The researcher will ask the participants questions like: What is your age? What is your background? What is your level of experience in conflict management/dispute resolution? This demographic section will help the researcher understand the point of view of the participant. Section two will explore the participant's experience with workplace bullying interventions. The researcher will ask questions like: How does your workplace respond to bullying and harassment? What are the benefits of these interventions? When are they appropriate? When are they not appropriate?

Inconvenience

The only possible inconvenience to participating in this study is the time it will take to participate in the interviews.

Risks

There are no known or anticipated risks to you by participating in this research.

Benefits

The potential benefits of your participation in this research include:

- An opportunity for you to share promising intervention practices to address workplace bullying.
- RJV will be using the results of this study to assist in and respond to bullying in the workplace.
- This research will provide data on the effectiveness of restorative and transformative practices on workplace bullying. It will outline if and how restorative justice is an appropriate method to address workplace bullying.

Voluntary Participation

You should not feel pressured to participate in this study. Your participation in this research must be completely voluntary. If you do decide to participate, you may withdraw at any time without any consequences or any explanation. If you do withdraw from the study your data will not be used and will be destroyed.

Anonymity

Your will be anonymous in the dissemination of the results. References to you or your organization will not be made when the data is transcribed nor will they be included in the final research paper.

Confidentiality

Transcribed interview responses and audio files will be stored in a password-protected computer and on a hard-drive in a locked cabinet belonging to the primary researcher. The researcher will develop a coding sheet where individuals will be assigned a code name. The researcher will refer to the interview participants by these code names in the final report to the client and in the Master's project final paper to the School of Public Administration.

Everything possible will be done to conceal the identities of the participants in the final report to RJV and to the School of Public Administration. There are, however, limits to confidentiality. The size of the interview sample is limited, and RJV might have suggested you for this study. Although you will be assigned a code name, the client could possibly identify you by your particular methods, or answers. The researcher will be collecting demographic information from the participants (nationality, age, gender, and

Workplace Bullying and Harassment: Exploring Promising Practices

background in conflict management) in order to understand their point of view. The researcher will need to reveal information like the nationality, and the level of experience of the participants but all revealing information like the names of the participants and the organizations they work for, will be kept confidential. When the project is completed, the code sheet with the names of the interview participants and all identifying documents and audio recordings will be destroyed.

Dissemination of Results

The results of this study will be shared with RJV as well as the University of Victoria's School of Public Administration as a final Master's Project. The research data will not be analysed, now or in the future, by the researcher for purposes other than this research project.

Commercial Use of Results

This research may lead to a commercial product or service. The nature of this commercial use is to potentially initiate and promote fee for service restorative justice in workplace settings.

Data Storage

The data will be stored on the personal password protected hard drive of the researcher.

Disposal of Data

The data collected from this survey will be disposed of when the study is completed. The audio files, the transcribed interviews and the code sheet containing the identities of the interview participants will be deleted.

Contacts

Please refer to individuals that may be contacted regarding this study on page 1 of this consent form.

In addition, you may verify the ethical approval of this study, or raise any concerns you might have, by contacting the Human Research Ethics Office at the University of Victoria (1-250-472-4545 or ethics@uvic.ca).

Your signature below indicates that you understand the above conditions of participation in this study and that you have had the opportunity to have your questions answered by the researcher. Please retain a copy of this letter for your reference.

Name of Participant

Signature

Date

Appendix 3: Draft Interview Questions

Demographic Sheet

- 1- What is your nationality?
- 2- What is your gender?
- 3- What is your age?
- 4- What do you do?
- 5- What is the name of your organization?
- 6- What does your organization do?
- 7- What is your job title?
- 8- What is your background?
- 9- What is your level of experience in dispute resolution?

Interview Questions

- 1- How do you/your workplace respond to bullying and harassment?
- 2- Are there some specific interventions that are typically used? Can you give some examples?
- 3- What works? What doesn't work?
- 4- What are the benefits of these interventions?
- 5- What are the challenges with these interventions?
- 6- In what circumstances are these interventions appropriate?
- 7- When are they not appropriate?
- 8- Why are these interventions useful? What do they have to offer that other approaches do not?
- 9- Are you aware of the new legislation in British Columbia? How has the new legislation made difference in how your workplace is responding to bullying and harassment?
- 10- Are you aware of any research that has been conducted on the effectiveness of these interventions? Can you recommend any books, practitioner literature, power-point presentations, or any journal articles about the effectiveness of these interventions?
- 11- Are you familiar with restorative and transformative workplace interventions? Do you believe there is a place for these types of practices in the workplace? Why, or why not?
- 12- If Restorative Justice Victoria decides to initiate and promote restorative justice work in workplace settings, do you have any suggestions for them?
- 13- I would like to conduct more interviews. Do you know any other knowledgeable practitioners or offices/departments that would be useful to contact?