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Leading in a Post-disaster Setting: Guidance for Human Resource Practitioners

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Abstract

Based on a qualitative study of four organisations involving 47 respondents following the extensive 2010 – 2011 earthquakes in Christchurch, New Zealand, this paper presents some guidance for human resource practitioners dealing with post-disaster recovery. A key issue is the need for the human resource function to reframe its practices in a post-disaster context, developing a specific focus on understanding and addressing changing employee needs, and monitoring the leadership behaviour of supervisors. This article highlights the importance of flexible organisational responses based around a set of key principles concerning communication and employee perceptions of company support.

Keywords: Human resources (HR), disaster, recovery, resilience

Introduction

Disasters present a major conundrum for organisations. Workers can experience significant losses and trauma which affect their ability to work, with morale and engagement potentially declining (Pearson and Clair 1998). Yet in the aftermath of a disaster, those workers are vitally needed to assist with business recovery. This tension between the personal needs of workers and the demands of organisations is a significant challenge, yet there is little guidance available for human resource practitioners who have to manage these situations (Byron & Peterson, 2002; Ferris, Hochwarter & Matherley, 2007; Goodman & Mann, 2008).

The city of Christchurch, New Zealand, experienced a major earthquake with loss of life and large scale damage; this was accompanied by an extended period of ongoing, traumatic and damaging seismic activity. The present study explored the experiences of management and workers in this situation, using in-depth interview data from 47 respondents across four organisations. We discovered that pre-planned emergency management procedures were of limited value, and instead organisations had to respond to the ongoing challenges through a process of adaptation and learning.

We identified a set of core principles needed to drive this adaptive change; these centred upon identifying and addressing changing employee needs and expectations. Van Heugten had also undertaken a grounded study with 43 managers and frontline workers, across a range of social services and other industries, identifying some similar and complementary findings. In this paper, we draw on our core principles, augmented with relevant findings from van Heugten's study, to present a framework for understanding and addressing the post-disaster needs of employees, and propose a series of suggestions for HR practitioners.

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Research into Disasters

Disasters propel organisations into a situation that is rapidly changing and uncertain, where their usual operating guidelines no longer apply. The organisational disaster literature has tended to focus on pre-disaster matters, emphasising the need for activities, such as identifying and minimising risks, and developing business continuity plans to prepare organisations for the disaster phase. The post-disaster stage, and particularly the longer term recovery processes, have, however, received less attention (Lettieri, Masella & Radaelli, 2009).

At the level of individual workers, people exposed to traumatic events can experience a range of negative psychological reactions (Byron & Peterson, 2002; De Salvo & Hyre, 2007; Ferris et al., 2007; Leon, Hyre, Ompad, Deslavo & Muntner, 2007). For employers, this has significant consequences. The immediate demands of post-disaster living can make workers more focussed on self-preservation while the psychological reactions adversely affect those workers' ability to perform their roles, and absenteeism can increase. These challenges occur at the very time that organisations most need their workers. While post-disaster support is a significant avenue for potentially mitigating the negative effects of a disaster, comparatively little research has been devoted to the organisational implications and post-disaster management of employees (Pearson & Clair, 1998; De Salvo & Hyre, 2007; Goodman & Mann, 2008).

The limited research does note a number of potential lines for action. Recent disasters illustrate the need for employers to monitor workers' stress and offer counselling (Norris, Friedman & Watson, 2002; De Salvo & Hyre, 2007; Leon et al., 2007). Other tangible types of assistance, such as housing, meals, and emergency supplies, may lessen employee stress, reduce absenteeism, and foster positive work-related attitudes (Sanchez, Korbin & Viscarra, 1995; Byron & Peterson, 2002). Employees may also have expectations that their companies will "step up to the plate" after a disaster (Byron & Peterson 2002: 906) while the perceived fairness of employer actions also influences workers' responses (Sanchez et al., 1995; Harvey & Haines, 2005). Together, these findings indicate a need to explore post-disaster HR management issues and this created the impetus for the current study.

Contextual Background

In September 2010, the city of Christchurch New Zealand experienced a magnitude 7.4 (Richter scale) earthquake. During the two year period that followed, the city experienced 12,000 seismic events, including 52 major events of magnitude 5 or above. The most powerful event in February 2011 caused 185 deaths and widespread damage. The prolonged nature of the recovery and the continuing aftershocks compounded this situation, with further damage and the forced relocation of many residents. Many left the city while mental health issues increased significantly among those who remained (Dorahy & Kannis-Dyand, 2012; Carville, 2013). This situation provided a rare opportunity to observe the nature of the interactions between management and employees following a major disaster.

Research Design

The study used a qualitative, grounded theory-based research design, utilising semi-structured interviews. A total of 47 interviews were conducted across four large organisations in Christchurch in the latter part of 2011. Respondents were asked to describe (a) their experiences during and subsequent to the February 2011 earthquake; (b) their subsequent experiences and needs, and (c) their experience of the nature of assistance and support they received from their managers and the organisation. Employee responses were coded using

NVivo software and these codes were combined to form themes (Boyatzis, 1998; Auerbach & Silverstein, 2003; Corbin & Strauss, 2008; Saldana, 2011)

Findings

The organisations offered a range of support services for their workers, from primary assistance such as food, water, showering and laundry, through to cash, counselling, and holidays. However, focussing on the specifics of the assistance given in this situation may be of limited value as those details may not be applicable in other types of disaster. Instead, the study sought to identify a more universal set of principles and dynamics that could generalise to a variety of situations.

The findings revealed four themes relating to employee needs and expectations, which we now outline, along with a series of applied issues for HR practitioners to consider.¹

The Initial Phase: Physical Needs and Communication

The initial phase concerned the first 12 hours following the disaster. The needs in this period centred on physical and psychological safety, communication with partners and family, and necessities, such as food, shelter, and water. These are largely matters that require pre-disaster preparation.

Immediate priorities in many disasters are the evacuation of buildings and checking on employees. Evacuation plans typically involve fire-safety assembly points, however, these can be unsuitable for events such as seismic disasters if they are near buildings and exposed to falling debris during aftershocks. The Christchurch disaster involved collapsed buildings and long lists of missing persons, so HR staff needed emergency contact lists that were prepared in advance, updated, and readily accessible (Ferris et al., 2007; Mann, 2011):

The leader of that, if it's a branch or business unit, needs to account for all of their staff. Whether they're in at work or whether they're on leave or away for the day sick, they needed to get hold of those people. Some branches were coming through quite quickly with responses that everyone was safe and then others took us until well into the night.

Organisations that were caught unprepared in the first quake learned from this experience and, subsequently, developed more disaster-ready measures, including having multiple copies of key information both on-site and off-site:

Every one of our team, and not just the exec management team...now carries a little thing called a go-pack in their car. I've got two. I've got one in the car here and one in the car at home. Which is hard copies of all the contact lists. Batteries go flat and computers you can't get your contact lists

Following the disaster, larger organisations looked to develop systems for the future which would expedite the preliminary contact process, exploring options such as issuing staff with cards and an 0800 number so that, in a disaster, staff could text or ring in and report their status. After these preliminary checks, however, there is still a need for more detailed assessment of employees' status. We found that workers expected employer-initiated contact. Workers, who were away from the workplace at the time of the disaster, interpreted a lack of contact from the employer as demonstrating a lack of concern, and this perception shaped their perceptions of the organisation's responses.

Workers, who had to remain at work, had an intense need to communicate with family. Uncertainty about the safety of family members significantly influenced those workers' own emotional state and their ability to

concentrate on work. This need for communication also continued through the following months as the ongoing aftershocks meant that workers regularly needed to check the well-being of significant others. Employers had to create systems to permit such communication, as well as providing flexibility and allowing family needs to be addressed as a priority.

The basic, practical needs of water, food, and shelter were central. Severe damage to the infrastructure meant that supplies of water and food ceased, and organisations were dependent on whatever reserves they had. For essential-service organisations with staff working through the initial crisis period, a key lesson was the need to provide food for their employees:

The army figured out years ago troops can't fight on an empty stomach. We put a big kitchen in over here at the emergency op centre and a couple of big deep freezers with plenty of food in it. We now know when there is an emergency, somebody goes out and cooks up a storm and the troops eat.

Although most Christchurch workers were able to access their homes after work, in other disasters, it may be difficult or impossible for workers to return to their homes. Preparing for this may require employers and workers to prepare stocks of clothing, shelter, food and supplies (Mowll & Wellington Lifelines Group, 2012).

Finally, as employees re-entered their workplaces, the need for a sense of safety became prominent. Safety measures, such as assessments to ensure the safety of buildings after major seismic jolts, and establishing clear procedures for aftershocks, significantly influenced workers' readiness to return. These issues also applied to other workers whose workplaces reopened in the following weeks. Where organisations failed to do this, either because they failed to recognise the importance of this issue for workers, or because they did not have arrangements to access suitable specialist services, this created long-lasting mistrust between management and employees.

In summary, for this phase of a disaster, the key human resources issues centre on ensuring that the organisation has:

- a) pre-written and rehearsed evacuation plan
- b) staff emergency contact lists that are up-to-date and readily accessible, both on-site and off-site, while maintaining confidentiality
- c) pre-arranged systems to account for staff in the immediate post-disaster phase, contacting and checking on staff safety as well as having pre-disaster systems for recording staff and visitor movements
- d) stocks of food, water and essential supplies
- e) systems, including arrangements with engineers and other specialists, for ensuring the safety of workplaces before staff re-enter
- f) accurate communications to staff on practical matters such as the safety of buildings.

Recovery: Managing Expectations and Maintaining Equity

There was wide variation in the ways and extent to which employees were affected by the disaster. Some people lost family members in the collapse of city buildings. Geographically, the east of the city was much more severely affected than the west, and even at the street-level, some houses suffered extensive damage while others were unaffected. Intra-personal differences further influenced how individuals reacted to the same situation (Byron & Peterson, 2002). Given this diversity, employees initially tended to see their own level of need in comparison to others. They assessed their condition relative to their colleagues, especially those most negatively affected, so tended to understate their own situation. Managers later discovered that

workers who lost their homes did not report this for several days, even when talking with managers, as those workers perceived that their situation was not as bad as that of others.

This influenced the employees' willingness to articulate their own needs and the extent to which they utilised the support services offered by the employer. In those early stages, although workers recognised the assistance that was available, they were reluctant to access this, believing that other people needed assistance before them. The crux, however, was that although many did not utilise the services themselves, they were aware that the support existed and they placed great value on knowing that support was offered, even though only a small proportion of staff utilised the specific supports.

To develop a more objective assessment of needs, some organisations created systems to identify and classify employees' situations:

We did a matrix sort of risk pattern of what's happened physically to them, mentally - is their house damaged, are their family okay. You know, so we were able to map that out quite quickly and that allowed us to know who were kind of on our high-risk radar and that we stayed very, very close to those people.

That gave us a bit of a heads-up particularly to those staff that would be too potentially proud to come forward and say they needed something.

The nature of the information to be gathered needed to be determined in advance; some organisations started the process and then later realised they omitted important issues. The assessment needed to be comprehensive, covering physical and psychological well-being of the employee, family, any extended family, as well as damage to housing, the availability of essential services, and other urgent needs:

We definitely could have done that piece better in hindsight. You know after the September one, we could have locked in some of those pieces better around what, in a crisis, would be the things that you need to ask if you were calling an individual because I felt we asked these ones, and then I thought, oh, we could have asked these questions. You know, it could have been two or three things that if we'd tagged them on, we would have got a much better picture.

The workers' tendency to defer to the needs of others was confined to the very early stages though. As the city moved into longer term recovery, people became more conscious of their own pressing needs. Fairness and equity regarding support received became a contentious issue. Workers began to revise their views of their own situation, particularly their needs and the assistance they expected. People became very aware of the support that their friends, and even colleagues in the same organisation, were receiving. In the early disaster phase, public attention focussed on those people who had lost family members, and these people were perceived as having the greatest need. After that initial crisis however, attention and sympathy progressively moved through a variety of groups within the population. The focus shifted first to people who had lost their homes; after that, sympathy moved to those who were battling insurance companies, those needing major house repairs, and those who were not coping with the aftershocks. Each of these progressions encompassed a much larger number of people, and gradually the contrast between the affected group and other workers became less marked.

This created a dilemma for organisations that had assisted the most-affected employees in the initial period; how long should this level of support continue, and what assistance should be given to the other employees with their own disaster-related needs? Almost all employees needed 'stress days', time off to look after children, or time for dealing with agencies. Managers had attended to the immediate needs of the worst-affected employees but had not foreseen the more widespread, longer term needs that would emerge. They had to find sustainable ways to provide ongoing support for the most needy while also acknowledging the

needs of other employees. Staff and managers who were less dramatically affected began to exhibit less tolerance for others who were still dealing with practical and emotional post-disaster issues. While employees appreciated the concessions and support given, it was a challenge for organisations to avoid perceptions of inequity or favouritism, especially when the situation continued to unfold in ways that had not been anticipated.

An additional problem noted by van Heugten was that many workers, including managers and supervisors, who had coped well in the weeks and months following each of the major earthquakes, were extremely exhausted by late 2011. They had worked long hours and were coming to the end of their reserves, while media attention was shifting away from the needs of earthquake-affected Cantabrians. Exhaustion, and a growing sense of unfairness about their needs being neglected, led some to become more irritable, and decision making could be impaired. Front line workers in van Heugten's research, many of whom remained sensitive to the needs of others and prone to downward comparison (*"I am fortunate by comparison to..."*), attempted to shield their tired supervisors from workplace issues, including conflicts between staff, and resourcing problems. This could potentially lead to problem situations being left unattended until they became major and critical.

When organisational leaders continued to check on the wellbeing of all staff in a personal, but not intrusive, manner (Boullion, 2007), and when staff knew that support was needs-based, this knowledge moderated their perceptions of unfairness. This was especially so when managers did identify the needs of people who showed few visible signs of non-coping, and attended to these as a matter of importance. Several of van Heugten's participants also identified the helpfulness of post-disaster educational seminars. These seminars had raised awareness of the diverse types of psychological and behavioural responses to stress that could occur as well as the likelihood that conflicts might arise due to the differences in people's responses. This awareness enabled the workers to take a step back and reflect on unexpected reactions from colleagues, and to be more tolerant of those.

The key HR tasks to address in this regard are:

- a) develop systems to thoroughly check on, and record the status of individual workers after the disaster, covering their own safety and well-being, other family members, and their homes
- b) use methods, such as systems to identify and classify employees' situations, to avoid potential under-reporting in the initial stages
- c) continue to monitor changes in employees' needs and perceptions; stay directly in touch with employees to gain their first-hand perceptions concerning the support-types that are of most value
- d) from the outset, attempt to look at both the short-term, and potential long-term needs; create transparent and equitable systems that can both assist the most needy as well supporting larger numbers of employees in the longer term
- e) provide indications of how long assistance can be expected to continue (while reserving the managerial right to extend this, if appropriate)
- f) be ready to manage the tension that can exist between assisting severely affected employees and others who may have lesser degrees of direct disaster-related harm
- g) avoid assuming that workers who have coped well initially will continue to do so, and ensure that support is seen to be based on needs. When employees are generally aware that support is needs-based, they are less likely to perceive company actions as being unfair
- h) provide education, including information about the benefits of restorative relaxation and time-out for all staff before exhaustion levels become critical. Encourage managers and supervisors to set examples around self-care.

Recovery: Monitoring Changing Needs

The nature of employees' needs also evolved as the situation progressed from the initial disaster response into longer term recovery. In the first days after the disaster, employees' needs included very tangible provisions, such as food and water, ablutions, laundry, house-repairs and accommodation:

We put washing machines in here and...the practicalities of life that people needed – water, shower facilities, and I could be here at 7 o'clock at night and people would bring their families in and they would all have showers. The reality was it was just at such a basic level so there was no need to go and do a whole load. I think we pitched it right. It was that we were pitching it in the right space for basic needs

At work, in those early days after the disaster, there was a high level of energy with employees often wanting to assist and feel they were contributing to the recovery, or to provide a sense of normality among the chaos. Levels of engagement were high:

The boys didn't go home until they worked out how they could operate without that particular building. They're just focussed, highly engaged, resilient, almost driven by the challenge like call to action, heroism. Man, a high performing team.

Van Heugten found that employees returning to work valued opportunities for colleagues to spend social time together. Shared morning teas, lunches, or barbeques provided important opportunities for workers to catch up, debrief, and provide social support. Informal gatherings also helped people, who had been relocated due to damaged workplaces, get to know the other workers with whom they often had to share cramped accommodation.

Communication of information continued to be a key priority. Van Heugten found workers valued personalised inquiries into their needs from their immediate managers or supervisors. Amidst the ongoing aftershocks, workers required regular updates on the safety of premises. They wanted to know their employers' expectations and allowances around work readiness, and needed reassurances about pay. Workers generally accepted that this practical information could be delivered through generic company-wide or divisional communications. However, frontline workers and managers noted that, unless the people making these communications were located within the disaster zone, information was often out of date or inaccurate, or lacking in sensitivity to the emotional impact of local happenings.

As the city moved into the long-haul of recovery, the situation changed. In the initial post-disaster phase, needs could be addressed in practical ways; however, as the recovery progressed the needs became more subtle, with new pressures creating more stress. Workers confronted demands, such as caring for themselves and extended family, living long-term in badly damaged homes and neighbourhoods, and job-losses among family members. Prolonged and acrimonious negotiations with insurers were time-consuming and stressful, and could be accompanied by the need to find alternative accommodation during repairs. In some cases, people were required to permanently relocate. Throughout this, there was a pervasive uncertainty regarding their future (Sanchez et al., 1995).

The disaster also produced increased demands at work. The initial zeal faded and many employees experienced higher than normal workload, working extra hours with fewer resources. In some sectors, certain sites experienced vastly increased work volumes while others had less change. When companies did not monitor this and act to redistribute the work, it produced both exhaustion and a sense of injustice among workers.

Workers involved in the immediate rebuild efforts, including emergency services, demolition crews, local authority staff, infrastructure workers and trades people, were vulnerable to burnout and work engagement began to decline (Quarantelli, 1988). In service industries, there were added pressures from dealing with heightened customer stress levels. Van Heugten found that where the nature of the work allowed, options such as varying or rotating work tasks, and providing regular opportunities for frontline workers to move “backstage” for breaks, could be effective in helping workers manage these demands.

It was a challenging task for organisations to gauge the evolving needs of employees; there was considerable variation in the extent to which they achieved this and were in touch with the actual needs. The most effective organisations maintained some direct, two-way links between senior management and employees. Van Heugten noted that communications from management to workers now needed to take account of increasing employee weariness and wariness. Workers became critical of generalised messages of sympathy and thanks that were emailed to all staff, dismissing these as platitudes that showed a lack of genuine concern for workers’ ongoing plight. Workers could mistrust the motives for those communications, especially if they occurred when management were implementing top-down changes with little consultation.

Managers wrestled with the tension between meeting business demands while continuing to accommodate workers’ needs. They were not sure when their organisations should resume ‘business-as-usual’:

We’re in the long-run game, that’s when it’s really going to get a bit tougher when you’re starting to manage additional workloads because you’ve got [case-types] coming through and red zone houses and insurance queries. You know, layer on layer of issues and you’re asking staff to do more, things are taking more time to get things done.

Some managers were accommodating, allowing people to recover at their own rate. Others, however, became keen to shift the attention back to business performance. Eight months after the earthquake, a proportion of managers believed that the situation was returning to ‘normal’. Workers did not share this view and suggested that those managers were overlooking their ongoing needs and well-being, particularly in the long-term recovery. Although the organisations offered a lot of assistance immediately during and after the disaster, workers felt their subsequent, less obvious needs were overlooked:

I think people have been stoic and got through this to a point but actually there’s not much on the surface before you scratch below and actually get into some people with some real mental health issues.

Providing assistance for employees to address outside-of-work demands on its own did not necessarily address the overall situation confronting employees. For example, giving employees time off to deal with disaster-related issues could compound work problems when this was not linked with managing work demands, and there was need for a more comprehensive package for managing the employees’ situation. Staff, who were allowed time to deal with matters such as housing and insurance, returned to find that their work had not been dealt with in their absence and this exacerbated matters.

In some essential-services organisations where staff worked rostered hours and had difficulty accessing external services, their companies appointed coordinators who helped employees link with the range of agencies and post-disaster services, and even arranged for those agencies to visit the workplaces.

Although it was difficult to balance the increased work and home demands, it was not inevitable that the combination would lead to increased dissatisfaction. Hochwarter, Laird and Brouer (2008) collected data from five studies following hurricanes in the United States of America, and concluded that, even when work demands are particularly high in the aftermath of disasters, workers can gain an increased sense of satisfaction from meeting these as long as they are adequately resourced for doing so. They found that, in

addition to requiring adequate practical resources, workers are better able and more inclined to rise to the challenge of meeting high demands if they are afforded a degree of control over the organisation of work, and flexibility around matching workplace and personal needs (van Heugten, in press).

In this phase, management's role involves attending to evolving employee needs, and key actions include:

- a) creating opportunities to enable workers to spend time together to reacquaint themselves with team members, debrief, and offer mutual social support
- b) providing timely and appropriate communications on practical matters, as well as avenues for staff to ask questions about matters that concern them
- c) establishing systems to continue monitoring individual employees' changing needs as the recovery progresses
- d) where possible, gathering the information directly from the employees themselves
- e) using this information to determine the types of assistance that is most needed, gathering feedback on its effectiveness, and being prepared to keep on revising this
- f) constantly monitoring workloads, acknowledging the extra pressure and, where possible, acting to redistribute uneven workloads
- g) developing holistic plans regarding workloads, taking into account both work and outside-of-work aspects
- h) considering provisions that will facilitate employees' access to support agencies; encouraging employee participation in decision making and planning.

The Leadership Behaviour of Supervisors

In several organisations, the senior managers focussed the organisation's attention on addressing the workers' well-being through both their instructions and their actions. Those managers explicitly directed their leadership teams to attend to employees' needs, doing everything the company could, and calling on all the resources the company had in order to assist staff who were in need. They also set a very clear example through their own actions, for example, going out and delivering assistance:

We had food, food parcels and things like that. We had water, so we were out and about to actually sense and feel what was going on. You know, how they were coping. It was that immediacy of you'd walk in and they'd give you big hugs. It was like that connection. It wasn't like you were the boss coming in to see how they were going.

The frontline workers did not always feel this level of support though. Their main contact with management was through their immediate supervisor, and the way that supervisor treated them shaped their impression of the organisation's support. The immediate supervisor held a pivotal position. Senior management trusted the supervisors to communicate their concern for the workers, to provide emotional support to workers, and also inform workers of the support that was available. Supervisors were also relied upon for assessing individuals' needs, reporting back to senior management about the situation of workers and their needs. Some performed these roles well but others were much less effective. In some parts of an organisation, supervisors failed to inform employees of the support available, and this caused employees in those areas to feel as if they were being unfairly treated compared to other workers, creating stress and dissatisfaction. Supervisors could also have lower levels of interpersonal skills; they lacked ability in recognising individuals' needs, acknowledging the stress affecting workers, communicating their understanding, or offering flexibility in the work.

The managers themselves identified the need for empathy and emotional intelligence as attributes that they had to cultivate during the disaster:

The thing that I think you learn through that is that it gives you a new level of compassion for your people because you think you're compassionate as a leader to start with but, actually it's so very different when you're in a situation where you're in destruction mode and you know you're just trying to manage through.

Senior management had to create organisation-wide support provisions that were transparent and equitable. When an immediate supervisor understood the intent of those provisions and implemented them in a compassionate but fair manner, employees felt supported and fairly treated by the organisation. Conversely, when supervisors were unsympathetic and seemingly unfair in their responses, the workers formed a negative evaluation of the overall organisation. The emotional intelligence of supervisors, shown in their awareness of workers' well-being and their ability to be supportive, empathetic and fair was a significant influence on how workers perceived the organisation's support (Boyatzis, Goleman & Rhee, 2000).

Although supervisors' emotional intelligence is often viewed as a personal trait, van Heugten found that the context also affected the ability to empathise, with supervisors and managers who had worked to exhaustion becoming less able to offer empathy and support. Managers and supervisors could also find it extremely difficult to declare their needs because this could lead to loss of face. Normalising the need for time out, and insisting that all staff at all levels benefit from downtime and respite, even if they might be inclined to dismiss their personal need for that, is a key preventive measure against burnout (Hochwarter et al., 2008).

The following key guidelines can assist in promoting appropriate leadership behaviours:

- a) educate senior management and supervisors regarding the changing nature of workers' post-disaster needs, and the necessity of keeping employee well-being as a central focus throughout all phases of disaster recovery
- b) ensure that senior management know how to provide clear leadership during a disaster, articulating a set of values that strongly emphasise acknowledging and supporting employees as well as modelling appropriate ways of acting; this could include having direct contact with frontline workers so that employees can see these behaviours and supervisors can follow their example
- c) as part of pre-disaster preparation, assess the competencies and behaviours of supervisors with regard to their leadership and emotional intelligence; coach and train them in this regard and consider making it a central part of their performance criteria, then when a disaster does occur those abilities will be a vital part of the organisation's recovery
- d) monitor the performance of supervisors during a disaster, gathering independent evaluations of what is happening across the various sections within the organisation; this should include gathering some information directly from the employees themselves
- e) ensure that managers and supervisors are able to have suitable rest and support for their own needs.

Conclusion

Under normal circumstances, HR managers can utilise well-established policies and procedures. In a post-disaster context, however, those procedures may no longer be appropriate and, instead, managers are challenged to find new ways to address worker needs. A range of types of assistance are required as disaster recovery progresses, ranging from help accessing tangible resources that meet primary needs, such as food, water, housing, laundry, and childcare – through to psychosocial assistance, including counselling, and access to social service agencies, and social support via informal gatherings, and opportunities for relaxation and fun (Sanchez et al., 1995). Workers' needs vary between individuals, and change over time.

The HR function needs to be sensitive to this evolving pattern of needs in order to assist in organisational recovery. The extent to which workers perceive the organisation's actions as appropriate shapes workers' evaluations of the organisation; irrelevant or inadequate supports are likely to be viewed as failings or lack

of concern on the part of the employer. This includes the major challenge of ensuring that workers view the decision processes for allocating resources and assistance as fair and equitable. Accompanying this is the need for emotional awareness among supervisors and middle managers, including their ability to convey empathy and support as well as their ability to recognise and respond to practical and emotional needs (Bies & Moag, 1986). When a supervisor exhibits higher levels of such emotional awareness, employees are likely to perceive greater organisational support. These principles are shown in Table 1.

Table 1: Key principles and their Implications in a Post-Disaster Context

Principle	Issues	Implications
Physical needs and communication	Physical and psychological safety, communication with family, necessities (food, shelter, and water).	Evacuation, accounting for/contacting staff, contact with families, safety, essential supplies
Recovery: monitoring changing needs	Identifying immediate and evolving needs, from tangible matters (e.g. essential supplies, housing, laundry, and childcare) as well as social support, (e.g. counselling, and access to agencies)	Ongoing monitoring to identify changing employee needs, and supply assistance that matches those needs Feedback from employees
Recovery: managing expectations and maintaining equity	The equity and fairness of the processes for allocating assistance	Short and long-term post-disaster planning to address current needs anticipate emerging needs Devise assistance measures that are seen as fair and equitable Ensure that assistance is sustainable and remains equitable across employees
Leadership behaviour of supervisors	The emotional awareness of supervisors and middle managers, including their ability to empathise, convey empathy and support, recognise and respond to practical and emotional needs	Emotional awareness and competency of supervisors and middle managers Pre-disaster training and evaluation Post-disaster monitoring of supervisors

If organisations fail in these types of areas, workers will view the organisation negatively, seeing it as uncaring and unsupportive. Employee perceptions of organisational support significantly affect work engagement. In a disaster, this takes on new prominence with employees experiencing new, heightened levels of need, which makes them acutely aware of organisations' responses. If workers believe they are supported, then they are more likely to be productive, committed, willing to engage in organisational citizenship behaviours, and less likely to quit (Harvey & Haines, 2005; Saks, 2006; Bakker & Demerouti, 2008). In a disaster, this can assist the recovery of the organisation.

The findings from this study highlight the need for the HR function to adapt in a disaster, so as to foster a prompt and sustainable recovery for individuals and the organisation. Applying the set of principles and guidelines outlined in this paper allows the HR function to remain flexible and adaptive, mitigating the harmful effects of the disaster.

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Notes

¹ These themes are drawn from the settings observed in our study along with van Heugten's findings, however, they do not purport to be exhaustive guidelines. The application of the themes may also vary across industries.

Context-specific Stressors, Work-related Social Support and Work-Family Conflict: A Mediation Study

STEPHEN T.T. TEO*, CAMERON NEWTON** and KARINA SOEWANTO***

Abstract

Understanding the antecedents of work-family conflict is important as it allows organisations to effectively engage in work design for professional employees. This study examines the impact of sources of social support as antecedents of work-family conflict. The hypotheses were tests using Partial Least Squares modelling on a sample of 366 professional employees. The path model showed that context-specific stressors impacted positively on job demand, which led to higher levels of work-family conflict. Contrary to our expectation, non-work related social support did not have any statistical relationship with job demand and work-family conflict. In addition, individuals experiencing high job demands were found to obtain more social support from both work and non-work-related sources. Individuals with more work-related social support were less likely to have less work-family conflict. Surprisingly, non-work social support sources had no statistically significant relationship with work-family conflict.

Key words: professional service, stressors, social support, work-family conflict, mediation

Introduction

Professional employees are working longer hours than ever before, resulting in reduced time spent with their families. This is particularly the case for service-related professions (e.g. accountants, lawyers, etc). There exists a considerable body of literature that has investigated the potential negative impact of work interfering with the family domain. One such example is work-family conflict (WFC). WFC has been shown to have a negative impact on organisational, family, and personal outcomes (Frone, Russell & Cooper, 1997; Yildirim & Aycan, 2008). WFC has also been shown to be the consequence of job stress (Pal & Saksvik, 2008) and be negatively associated with job performance indicators (Gilboa, Shirom, Fried & Cooper, 2008). This is similar to the same conceptualisation of WFC as Carlson and Perrewé (1999).

Social support from both work and non-work sources has been studied in relation to its effect in reducing the negative consequences of work intensification. Various scholars such as Haar (2008) concluded that work-related social support (such as a supportive supervisor) has a negative relationship with WFC. Social support has been shown to reduce time demands, and thus, indirectly decrease WFC (Carlson & Perrewé, 1999). While some studies show that social support has a mediation effect (e.g., Carlson & Perrewé, 1999), others argue that it has a buffer effect, where social support is treated as a moderator (Lawrence, 2006). Despite these studies, there have not been any studies which simultaneously examine the mediation and moderation effects in the same model. This will be the aim of the current study.

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Stressors, Social Support and Work-Family Conflict

The literature shows that stressors related to service work have been well-documented. At the broadest level, some researchers have described the work of customer service employees as monotonous (e.g., in terms of repetitive tasks) and demanding (e.g., in terms of quality and quantity of tasks to complete), and ultimately a source of strain for those holding such positions (Lewig & Dollard, 2003). Stressors are situated at the beginning of the causal relationships. In the current paper, we adopted Ganster's (2008: 260) definition where stressors refer to:

...some environmental events or conditions, exposure to which is hypothesized to cause changes in mental and physical well-being... [the] concern is with events and conditions of a psychosocial nature, ones such as pressure to meet a deadline, conflicting role demands, verbal abuse, threat of layoff, work overload, and lack of control.

Recent research showed that Australian public sector employees experienced a variety of stressors related to service provision due to the introduction of service orientation (Noblet, Teo, McWilliams & Rodwell, 2005). As a result, several stressors were identified, which impact negatively on employees' work attitudes. Indeed, there are a large number of empirical studies across all organisational settings that have investigated work stressors and employee outcomes, along with several meta-analytic reviews (see Abramis, 1994; Jackson & Schuler, 1985; Örtqvist & Wincent, 2006).

Hypothesis 1. Higher levels of Context-specific stressors are positively related to perceived job demands.

Occupational stress theories and related empirical studies suggest that the relationship between job stressors and employee adjustment is not as simple and direct as purported by some models in the literature. Indeed, researchers have identified a considerable number of potential intervening variables of the work stressor-adjustment process that add complexity to the nature of the occupational stress process (see Perrewé & Ganster, 2002, for review). In particular, studies have shown that social support could have an important effect on employee well-being generally, including work-family balance.

Pal and Saksvik (2008) noted sources of social support at the workplace have been found to help employees cope with the stress from work intensification. Indeed, it is well documented that high levels of demands that result from workplace stress facilitate levels of social instrumental support (i.e., work-based support and assistance provided by colleagues and/or supervisors) as a cost effective way of assisting employees to meet demands. Similarly, non-work social support is elicited when friends express feelings of being overwhelmed by their workload. From another perspective, it can also be noted that higher levels of stressors can signify that support in the workplace or outside of the workplace is lacking, in line with Social Identity Theory (Tajfel & Turner, 1986). Hence, such a lack of support can mean that employees are missing a vital coping resource which can magnify the perception of events that may be considered stressors in the workplace (see Levine, Cassidy, Brazier & Reicher, 2002).

Hypothesis 2. Higher levels of Context-specific stressors are negatively related to work (H2a) and non-work (H2b) related social support.

Hypothesis 3. Higher levels of job demands are positively related to work (H3a) and non-work (H3b) related social support.

Work-Family Conflict (WFC)

The advent of computer technology and mobile access, globalisation, and increasing work demands have resulted in the increasing intrusion of our work lives on our family lives. This situation is described in the literature as work-family conflict (WFC) and has attracted considerable research attention in non-customer service domains. WFC is defined by Greenhaus and Beutell (1985: 77) as “a form of inter-role conflict in which the role pressures from the work and family domains are mutually incompatible in some respect”. Specifically, WFC exists when the time, strain and behaviours required by one role make it difficult to fulfil the requirements of the other role (Greenhaus & Beutell, 1985). Therefore, WFC is conceptualised as a strain (see Carlson & Perrewé, 1999).

More recently Shaffer, Joplin and Hsu (2011: 225) noted that researchers conducting WFC have recognised the “bidirectional relationship between work and family life”. Meta-analysis undertaken by Allen, Herst, Bruck and Sutton (2000) highlights the potential negative consequences of WFC. This role strain hypothesis suggests that individuals have a limited amount of psychological resources, time, and energy, and that strain occurs when the demands of multiple roles exceed these resources (Greenhaus & Beutell, 1985).

Inspection of the literature suggests that many antecedents of WFC include job demand, and work social support. More recently, meta-analytic review by Michel, Kortba, Mitchelson, Clark, and Baltes (2011) identified antecedents of WFC including work role stressors (such as job stressors and time demands). Similarly Eby, Casper, Lockwood, Bordeaux and Brinley (2005) identified antecedents of WFC to include work domain variables, such as job stress; non-work domain variables, such as family demands and marital conflict, and individual and demographic variables. Empirical evidence has demonstrated that factors, such as work pressure, and unpredictability in work routines (such as that which might be experienced by customer service employees responding to multiple and unexpected client demands) have significant and positive relationships to WFC (e.g., Fox & Dwyer, 1999).

Hypothesis 4. Higher levels of Context-specific stressors are positively related to WFC.

Hypothesis 5: Higher levels of job demands are positively related to WFC.

In general, differing levels and types of social support has been found to be an antecedent of different levels of reported WFC (Seiger & Wiese, 2009). For instance, work-related social support, such as supportive supervisor can reduce WFC (see Greenhaus, Bedeian & Mossholder, 1987; Haar 2008). Carlson and Perrewé (1999) found that social support at work may reduce perceived role stressors and time demands, and thus, indirectly decrease WFC. More specifically, these authors found that work social support was related to lower levels of job-related conflict, time pressures, and ambiguity, which, in turn, results in lower levels of WFC (Michel, Mitchelson, Pichler & Cullen, 2010). Meta-analysis by Kossek, Pichler, Bodner and Hammer (2011) identified two sources of work-related social support. They noted that supervisor support and organisation support were both found to be more strongly related to lower levels of WFC than general supervisor support. Non-work social support sources, such as family, spouse and friends, have also been studied. Family (or non-work) social support was found to be related to lower levels of family role conflict and ambiguity, and subsequent lower levels of WFC (Michel et al., 2010).

Hypothesis 6. Higher levels of work (H5a) and non-work social support (H5b) are negatively related to WFC.

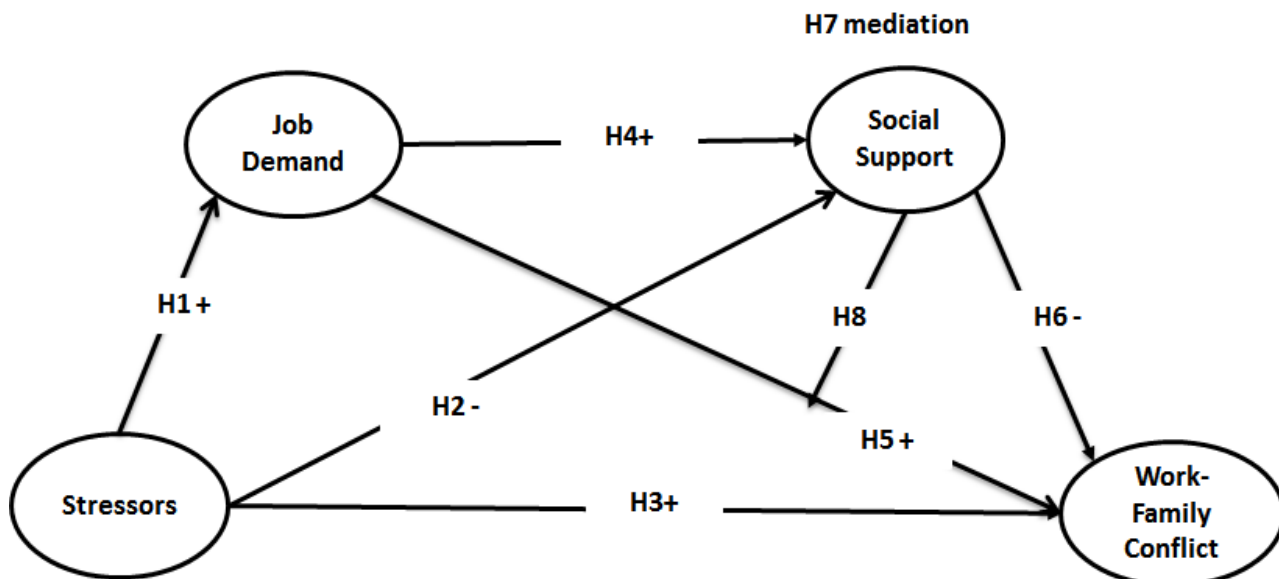
Hypothesis 7. Higher levels of work (H6a) and non-work social support (H6b) mediates the effect of work stressors on WFC such that higher levels of Context-specific stressors will lead to higher levels of support and lower WFC.

It is important to note that a significant amount of research has been conducted investigating the ability of social support to moderate or buffer the potential negative impact of job stress on job-related attitudes and health. Viswesvaran, Sanchez and Fisher (1999) conducted meta-analyses of research that investigated the moderating role of social support on the work stressor-adjustment relationship. Generally, the researchers found that the interaction of work stressors and social support explained significant additional variance with the presence of social support (in its various forms) reducing the negative effects of work stressors on employee strain. Furthermore, a considerable body of literature has provided some support for Karasek and Theorell's (1990) theorised strain-and-buffer hypotheses relating to the demand, decision latitude, and social support interactions (see also Karasek, 1979; Theorell & Karasek, 1996; van der Doef & Maes, 1999). Interestingly, however, some studies have found a reverse-buffering effect for social support, such that it can accentuate the impact of a work stressor on strain (e.g., Glaser, Tatum, Nebeker, Sorenson & Aiello, 1999). To this extent, Beehr and Glazer (2001) suggest that these results might be a function of cultural context, and that different cultures and cultural characteristics (ethnic, in this case) might be related to perceptions of social support. Overall, there is a considerable amount of theoretical and empirical evidence supporting the notion that the work stressor-adjustment relationship can be moderated by social support.

Hypothesis 8. Higher levels of work (H7a) and non-work social support (H7b) will buffer the negative consequences of context-specific job stressors on WFC.

The present study develops a model to examine the influence of work and non-work social support on WFC in the context of professional service. Partial Least Squares Modelling was employed to test the hypotheses displayed in the path model (see Figure 1).

Figure 1. Proposed Model of Professional Service Employees and Context-specific Job Stressors



Methods

Sample and Procedure

Questionnaires were distributed to 592 employees, with 366 completed and usable questionnaires returned (response rate = 61.8 percent). Questionnaires were distributed to professional service employees working in small and medium-sized profit and not-for-profit organisations in sectors, such as finance and insurance, legal and business services. The participants were recruited from a postgraduate business course in a large, metropolitan university in Australia. Surveys were completed anonymously in paper-based format and participants then posted the completed survey back to the researcher using a reply-paid envelope. Prior to the survey phase, we conducted five focus groups to validate the context-specific stressors developed by Noblet et al. (2005) and their applicability in the service context. A total of 25 participants working in a high customer and/or client contact role participated in the sessions (note: reliability coefficients are reported in Table 1).

Table 1. Descriptive Statistics and Inter-correlations

	Mean	SD	AVE	Alpha	1	2	3	4	5
1. Context-Specific Stressors	3.28	.87	.53	.85	<u>.73</u>				
2. Job Demand	3.68	.74	.54	.83	.43***	<u>.74</u>			
3. Work-related Social Support	4.30	1.08	.41	.83	-.21***	.10	<u>.64</u>		
3. Non-Work-related Social Support	4.87	1.08	.48	.90	-.04	.13*	.40***	<u>.69</u>	
5. Work-Family Conflict	2.86	.88	.56	.74	.45***	.37***	-.12*	.03	<u>.75</u>

Note:

N=366 professional employees

*p<.05

***p<.001

Underlined and italicised numbers represent the square of the average variance estimates. These were used to determine the discriminant analysis (Fornell & Larcker, 1981).

Measures

Work-family conflict. We used four items reflecting work interference with family developed by Kopelman, Greenhaus and Connolly (1983, cited in Gutek, Searle & Klepa, 1991). Following Judge and Colquitt (2004) who used the same scale, they were used to operationalise work-family conflict. An example item is 'My family or friends dislike how often I am preoccupied with my work while I am at home' with items rated from 1 (strongly disagree) to 5 (strongly agree), so that a high value signifies more WFC.

Context-specific stressors. Respondents were asked to respond to a 33-item situation-specific stressors scale that required them to indicate the extent that each of the factors listed was a source of stress in their job on a

five-point scale ranging from 1 (not at all) to 5 (major source of stress). These were used to examine the Context-specific stressors of a sample of public sector employees employed in customer service roles. Stressors that were rated by at least 70 percent of respondents as being a moderate, large or major source of stress (that is, a score of three, four or five on the five-point scale) were retained for further analysis. These items were 'Lack of human resources to accomplish tasks', 'Unclear expectations', 'Unrealistic performance targets', 'Heavy workloads', 'Not having enough time to do job as well as you would like', 'Other staff not pulling their weight', and 'Insufficient staff to complete work on time and to standard expected'. These items were incorporated into the path model as a formative scale as we argued that all seven context-specific stressors are necessary in inducing stress at work for professional service employees.

Job Demand. Job demand was measured by adopting the 11 item scale from the scale adopted from Caplan, Cobb, French, Harrison, and Pinneau (1980). The first set of five items was rated from '1' (rarely) to '5' (very often). Sample item included 'How often does your job require you to work very fast?'. The second set of statements required respondents to apply each statement to their jobs and respond on a five-point scale ranging from '1' (hardly any) to '5' (a great deal). Sample item included 'What quantity of work do others expect you to do?'. Discriminant analysis on *SmartPLS* resulted in a final set of six items. High score indicates high job demand.

Social Support. Etzion (1984) identified two different types of social support. Participants were asked to respond to a statement and indicate the level of support presence in their work environment. An example item of work-related support is 'To what extent do you get appreciation and recognition for what you do in your work life and life outside of work?'. Each of these statements was rated on a seven-point scale ranging from 1 (very little) to 7 (very much).

Data analysis technique

We utilised *SmartPLS* v.2, (Ringle, Wende & Will, 2005), a form of structural equation modelling, to analyse the model. *SmartPLS* is a technique used for estimating path coefficients in causal models and the software allows for the simultaneous testing of hypotheses. Survey data were input to SPSS v.17 to calculate descriptive statistics and inter-correlations.

The path coefficients are standardised regression coefficients and the loadings are similar to factor loadings. The significance of each variable to another is then determined according to the bootstrap procedure (note: bootstrap was undertaken with 500 samples). PLS differs from LISREL as it is suitable for the analysis of small samples while the latter requires substantially larger samples. Another advantage of using PLS over LISREL is that PLS does not require multivariate normal data. Given the number of variables in the proposed model, the sample size is within the range considered to be suitable for PLS analysis (Chin & Newstead, 1999).

Validity and reliability Issues

Validity and reliability of the reflective constructs are checked by examining the average variance extracted (AVE). Most of the AVE computed are greater than 0.5. Furthermore, comparison of these reliabilities with inter-construct correlations display adequate discriminant validity as the square root of the AVE for each construct is much larger than its correlation with any other construct (Venaik, Midgley & Devinney, 2005).

The quality of the proposed structural model was determined using R-square of the dependent variables and the Stone-Geisser Q-square test for predictive relevance (see Chin, 2010). We ran two separate analyses with

10 and 25 omission distance in order to test the stability of the results. Since the values are stable for both omission distances and the majority of the Q-squares were greater than zero, we were confident that the model is stable and the predictive relevance requirement is satisfied.

Harman's ex-post one factor test was also used to ensure that the current study did not suffer from common method variance (Podsakoff & Organ, 1986). All the variables used in the study were entered into an unrotated factor analysis to determine the number of factors. If a single factor emerges from the factor analysis, this would indicate that the data suffered from a common method variance problem. The analysis showed that there were six factors (with eigenvalues greater than 1.0) which explained 64.1 percent of the variance. This finding provided support that common method variance is not an issue in the current study.

Findings

366 professional service employees participated in the study. They were employed in industries including Finance and Insurance (40.7 percent), Manufacturing (10.4 percent), and Agricultural, Forestry, and Fishing (9.8 percent). The three largest groups of nationalities were those born in Indonesia (34.4 percent), Australia (33.3 percent), and Hong Kong (29.8 percent). There was equal number of males and females who participated in the study. Most of the respondents were employed by private sector organisations. Nearly half of the respondents were employed in organisations with greater than 1,000 employees. Most of the respondents have more than three years of full time equivalent working experience with their current employer. Nearly half of the respondents were employed in operational and non-supervisory positions and nearly half of the respondents spent more than 50 hours per week on servicing internal and or external customers.

The model explained 19.4 percent of the dependent variable, WFC. The global goodness of fit index (Tenenhouse, Vinzi, Chatelin & Lauro, 2005) was 0.26, which indicated that the model has a medium goodness of fit (Wetzels, Oderkerken-Schröder & van Oppen, 2009). Results from the bootstrapping are reported in Table 2 and results of the path analysis are illustrated in Figure 2.

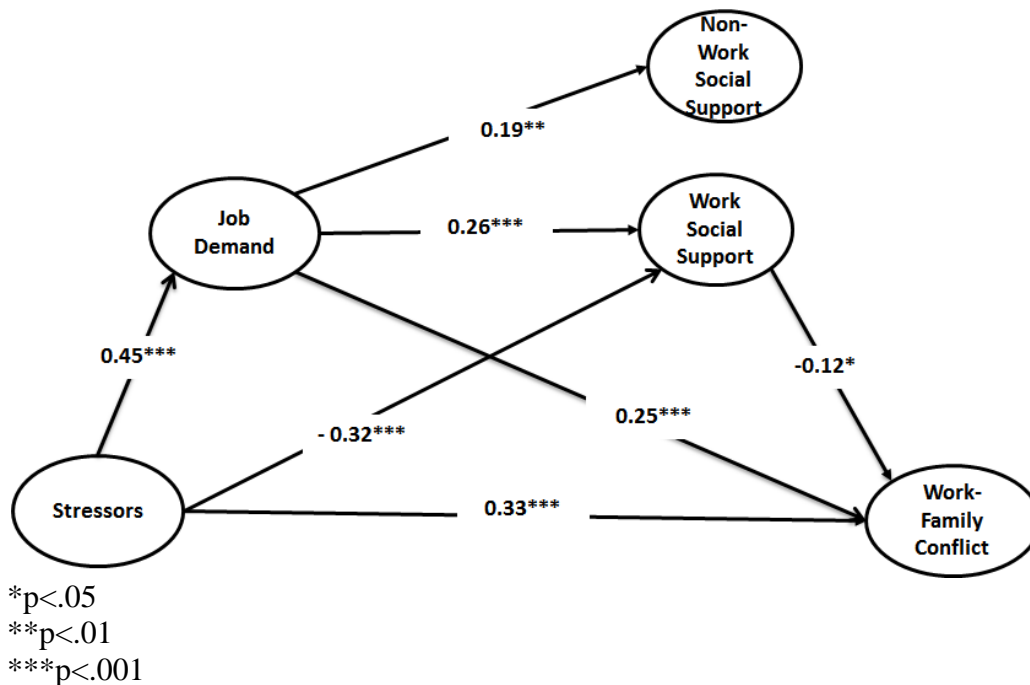
Table 2. Results of Path Analysis

Paths	Path Coefficients	t-statistic	Sig. level
H1. Stressors → Job Demand	0.45	9.8117	***
H2a. Stressors → Work Social Support	-0.32	5.5090	***
H3. Stressors → Work-Family Conflict	0.33	5.6291	***
H4a. Job Demand → Work Social Support	0.26	3.7034	***
H4b. Job Demand → Non-Work Social Support	0.19	3.1280	**
H5. Job Demand → Work-Family Conflict	0.25	4.4634	***
H6a. Work Social Support → Work-Family Conflict	-0.12	1.9825	*

* $p < .05$

** $p < .01$

*** $p < .001$

Figure 2. Final Model of Context-specific Job Stressors and WFC

The path from context-specific stressors to job demand was positive and significant. There was support for Hypothesis 1. The path from Context-specific stressors to work social support was negative and significant, providing support for Hypothesis 2a. However, the hypothesised path from Context-specific stressors to non-work social support was not supported. The path from work context stressors to WFC was found to be positive and statistically significant; thus, providing support from Hypothesis 3. There was a positive and significant path from job demand to work social support and non-work social support, supporting Hypothesis 4. As predicted by Hypothesis 5, job demand was positively associated with WFC. The path from work social support to WFC was negative and significant. There was support for Hypothesis 6a. On the other hand, the hypothesised path from non-work social support to WFC was not supported.

To test for the mediation hypothesis, a Sobel's test was conducted which showed that work social support partially mediates the relation between context-specific stressors and WFC (Sobel's=2.8970, $p=0.004$). Hypothesis 7a was supported. A hierarchical regression analysis was undertaken to test the moderation hypothesis, with stressors as the independent variable and work social support as the moderation variable. The analysis showed that the interaction of stressors and work social support was not significant in the prediction of WFC.

Discussion and Implications

The present study sought to investigate the impact of Context-specific stressors and job characteristics on WFC in a sample of 366 professional service employees. Overall, the path model is stable and the data showed a medium goodness of fit. In the current study, two antecedents of WFC were identified. These were job demand and work-related social support. Work-related social support was found to mediate and moderate the relationship between Context-specific stressors and WFC.

Context-specific stressors were found to have a direct and positive impact on the WFC of professional service employees. These stressors also have a positive impact on job demands, which subsequently increase the level of WFC. The set of context-specific stressors that led to higher job demand tends to relate to situations where there were insufficient staffing level, unrealistic performance target and expectations, and the fast pace of working in a service environment. In an era where firms rely on their frontline employees to be competitive, it is crucial that work redesign activities be implemented to retain these professional employees.

Consistent with prior studies (Carlson & Kacmar, 2000; Kossek et al., 2011), there was support for the negative consequences of an increase job demands on work-family domain. There was support for treating work-related social support as an independent antecedent to WFC. In addition, work social support was found to have a partial mediating effect on the relationship between context-specific stressors on WFC. This finding highlights the critical role of work-related social support. This finding corroborates the finding by Carlson and Perrewé (1999), Haar (2008), and Seiger and Wiese (2009).

Surprisingly, non-work social support sources were less important as professional service employees seek assistance and support with WFC from their peers and supervisors. Non-work social support did not have any effect on work-family conflict. This finding makes sense and can be potentially explained by the notion that instrumental social support “at work” reduces potential ambiguity and professional service context-specific stressors on the job, and also affords an individual further informational and possibly the resources required to meet the demand. As such, managers should ensure that team-based cultures are facilitated and promoted to ensure employees value and behave in ways related to helping others and working together to get the work completed.

Limitations and Future Research Implications

Overall, several limitations and, therefore, future research directions can be noted with respect to this study. In particular, it would be beneficial for future researchers to explore the present model in a specific occupation (such as lawyers) and industry (e.g., frontline employees in manufacturing industry). Researchers can also further unpack the impact of different types of stressors examined in this model and how professional service employees cope with the stressors, similar to the study by Yagil, Luria and Gal (2008).

Our findings should also be interpreted with care as the results could be affected by common method bias. Future study should collect the dependent variable from different time period in order to minimise the effect of common method biasness. However, given the number of checks undertaken in the present study, we are confident that the effect of common method bias is of no major concern.

Managerial Implications

A managerial implication of the current study is that a reduction in job demand may possibly lower the level of stress experienced, which eventually also reduces any harmful effects of context-specific job stressors in a professional service environment. In today’s market-driven economy, reducing job demand may appear incompatible, especially when there is a requirement for high productivity. Excessive organisational bureaucracy and poorly organised work systems resulted in employees having to work harder and faster in order to cope (Keeley & Harcourt, 2001); hence, simplification of rules, structures and systems would result in higher productivity and lower stress level.

Another managerial implication is to provide flexible work opportunities (Haar & Roche, 2008) and ensure supervisors can support them via strategies which encourage and recognise the needs for work-family balance of these employees (Boyar, Maertz, Mosley & Carr, 2008). Strategies, such as provision of training of supervisors and or managers to be more work-family supportive, the creation of a work-family supportive organisational culture, and the selection and development of supervisors/managers in providing positive workplace social support for work-family specific issues (Kossek et al., 2011), could be implemented to minimise the negative consequences of context specific stressors. One cannot ignore the justice implications when supervisors/managers are given charge to decide how motivational strategies (such as encouragement, access to resources, etc) for employees (Judge & Colquitt, 2004). Hence, procedures for the distribution of resources for flexible work should be documented and practised, taking into consideration of equity and merit principles.

Conclusion

In summary, this study showed that context-specific stressors and high job demand placed exceptional pressures on professional employees and enhanced their perception of WFC. A path model which examines the mediation and moderation effects simultaneously was developed in the current study. Professional service employees experienced several context-specific stressors, which impacted on their job demands and subsequently, WFC. Work social support was found to partially mediate the effect of context-specific stressors on WFC. It is crucial for employers to constantly ensure these employees do not suffer the negative consequences of context-specific stressors in performing their duties.

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Out of Step? The Efficacy of Trans-Tasman Law to Combat Workplace Bullying

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Abstract

Workplace bullying is of significant concern for organisations internationally. With increasing understanding of the prevalence and consequences of bullying, research attention has turned to exploring effective prevention strategies. Yet, whilst primary prevention is strongly advocated in the literature, the role of the legislative context in supporting these initiatives has received little attention. This paper examines the efficacy of three legislative approaches enacted in Australia and New Zealand to reinforce workplace bullying interventions. The paper argues for occupational health and safety legislation supported by a Code of Practice that encourages organisations to take a preventative approach to managing workplace bullying¹.

Introduction

In the last 20 years, a considerable body of international research has provided clear evidence of the widespread extent and destructive nature of workplace bullying. Bullying can poison a working environment and result in significant damage to both targets and witnesses. Alongside the damage to individuals, workplace bullying can also result in substantial direct and indirect organisational costs. Recent research suggests that bullying may be relatively commonplace in many Trans-Tasman workplaces (Askew et al., 2012; Bentley et al., 2012; Bentley et al., 2009a,b; Caponecchia, Sun & Wyatt, 2012; Keuskamp, Ziersch, Baum & LaMontagne, 2012; O'Driscoll et al., 2011). On the other hand, however, research indicates that many organisations, internationally, have a poor understanding of workplace bullying with few having appropriate policies or prevention strategies in place (Catley et al., 2011; Ferris, 2004; Hutchinson, Vickers, Jackson & Wilkes, 2006).

Parallels in legislative frameworks, organisational and societal cultures, and close economic relationships afford the opportunity for comparisons to be made between New Zealand and Australia in their approaches to addressing workplace bullying. In both countries, workplace bullying has received considerable media coverage that has resulted in a number of cases detailed in the public arena. Regulatory agencies in both Australia and New Zealand have also begun to turn their attention to providing resources to respond to workplace bullying. This 'spotlighting' of workplace bullying has seen an increasing number of employees identify themselves as targets of bullying and seek redress (Wells, 2011), often via legal action against their employer.

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This paper provides further insight into the management and interventions of workplace bullying from an employment relations and occupational health and safety perspective by examining the literature on workplace interventions alongside a commentary of the Trans-Tasman legislative context. In doing so, we endorse the multi-level approach to organisational interventions (Heames & Harvey, 2006; Vartia & Leka, 2011), but contend that this should be extended to the regulatory context. Thus, our contribution is not intended to diminish the importance of work being done to identify effective organisational interventions to prevent workplace bullying. Indeed, primary and secondary interventions are critical to preventing and managing workplace bullying. In our view, the effectiveness of such initiatives will be enhanced if regulatory interventions are aligned to reinforce and complement organisational initiatives.

Our focus is, therefore, to examine the efficacy of Trans-Tasman legislation with respect to workplace bullying. Australia and New Zealand share a common legal heritage and, while taking somewhat different paths, both countries have found themselves considering the ability of their relevant legal statutes to respond to workplace bullying. In Australia, the process to harmonise occupational health and safety laws at the federal level has provided an opportunity to be proactive in responding to workplace bullying. Several Australian states have also taken bold measures, notably to criminalise workplace bullying, whilst proposed amendments to federal legislation are also likely to hold employers directly accountable for failing to stop bullying as of January 2014. In New Zealand, the response so far has been to retain the legal status quo and instead educate employers and employees via Ministry of Business and Innovation's (MBIE) guidelines. This paper will, therefore, prove beneficial to potentially improving the legislative response, as both jurisdictions can learn from the experiences of the other while at the same time being informative for those working outside of Australia and New Zealand, who can potentially compare the jurisdictions' responses to that of their own.

We provide an analysis of three key approaches adopted by Trans-Tasman legislation – the rehabilitative approach of employment disputes legislation, the preventative approach of health and safety legislation, and specific legislation to criminalise workplace bullying. We contend that each of the existing legislative routes has significant limitations, not only in their alignment with organisational intervention strategies, but also in their ability to provide the potential redress that targets of workplace bullying seek. We propose that accessible health and safety legislation supported by a Code of Practice best aligns with advocated organisational intervention measures and is most likely to reduce or mitigate limitations of the existing legislative frameworks. We start, however, by outlining the phenomenon of workplace bullying and the range of management interventions posited.

What is workplace bullying?

Despite the wide range of definitions of workplace bullying (Rayner & Cooper, 2006), it is generally agreed that workplace bullying consists of systematic, inter-personal, potentially harmful behaviours inflicted over a period of time that forces a target into a position where they feel unable to defend themselves, and which may cause severe social, psychological and psychosomatic problems in the target (Einarsen, Hoel, Zapf & Cooper, 2011). Bullying behaviours are typically conceptualised as person-related or work-related. Work-related behaviours include imposing unreasonable deadlines and/or unmanageable workloads, excessive work monitoring and assigning meaningless or degrading tasks (Einarsen, et al., 2011). Person-related bullying includes insulting remarks, excessive teasing, gossip and/or rumours, persistent criticism, practical jokes and intimidation (Einarsen, et al., 2011). Workplace bullying can, therefore, be overt but also discrete and subtle, and heavily context dependent. Leading reviews of the literature emphasise, however,

that it is the perceived intent of the behaviour coupled with its persistent and unwelcome exposure that causes harm to targets (Einarsen et al., 2011; Rayner & Cooper, 2006).

Comparing prevalence rates between countries and industries is fraught with difficulties due to the variety of definitions employed and the measurement methods used. Nielsen, Matthiesen and Einarsen (2010) conducted a meta-analysis of prevalence rates published in 86 different articles and concluded that the mean prevalence of bullying varied between 11 percent and 18 percent. In New Zealand, Bentley et al. (2009b) examined responses from 1,728 employees drawn from the health, education, hospitality and travel industries and reported that 17.8 percent of the sample had been bullied. In Australia, there is currently no national data on the prevalence of workplace bullying, with most research being conducted at organisational, occupational or sector level (Keuskamp, et al., 2012). For example, Keuskamp and colleagues (2012) reported 15.2 percent prevalence of bullying from a study of 1,141 South Australian employees and another study of 747 participants in the Australian medical workforce reported bullying prevalence of 25 percent (Askew et al., 2012).

As with the international literature (Einarsen et al., 2011), workplace bullying in Australia and New Zealand has been reported to have a negative effect for both the targets of bullying and the organisation. Targets of bullying commonly suffer from stress, anxiety and depression and have significantly lower levels of emotional well-being and higher levels of strain than non-targets (Bentley et al., 2009b; Einarsen & Mikkelsen, 2003; Keashly & Neuman, 2004). According to media reports, severe cases of bullying have resulted in suicide (Butcher, 2010; Chrisafis, 2012). The personal costs of bullying flow on to the organisation, with both targets and witnesses exhibiting a higher frequency of absenteeism, reduced organisational commitment, job satisfaction and work motivation (Jennifer, Cowie & Ananiadou, 2003; Lutgen-Sandvik, Tracy & Alberts, 2007). Other significant organisational costs include the opportunity costs of displaced time and effort to help targets cope with bullying incidents and the costs associated with investigations and potential court action.

Workplace bullying management and intervention

Increasing acknowledgement of workplace bullying as a global issue has seen recent action initiated by global institutions and national and local governments throughout the western world. For example, a group of European institutes have developed the European Framework for Psychosocial Risk Management (PRIMA-EF) to encourage policy development at national and organisational levels (Leka & Cox, 2008). Similarly, the World Health Organisation has published a report to raise awareness of psychological harassment in the workplace proposing preventative action at a primary, secondary and tertiary level (Cassitto, Fattorini, Gilioli & Rengo, 2009). At national government level, numerous European countries (e.g. Sweden, France, Norway, Denmark) have enacted legislation that requires employers to prevent psychological harassment and several US state governments (e.g. Washington, Oregon, Hawaii) have considered bills to criminalise bullying.

Following its origins in psychological research, interventions aimed at the characteristics of individual targets or perpetrators and their relationship offer one approach. However, the notion of workplace bullying as an organisational problem that requires interventions aimed at work structures and process that allow or encourage bullying is common (Baillien, Neyens, De Witte & De Cuyper, 2009; Salin, 2003; Vartia & Leka, 2011). Strategies for the prevention and management of workplace bullying are typically categorised as primary, secondary, or tertiary preventions (Vartia & Leka, 2011). As Vartia and Leka (2011) explain the three categories; primary preventions are proactive and aim to prevent the negative effects occurring by minimising the risk of exposure. Secondary preventions seek to reverse, reduce or slow the progression, prevent recurrence, and to

increase the resources of individuals to cope. Tertiary preventions are rehabilitative, aiming to reduce the negative impacts, and restore individual and organisational health and well-being. These different preventative measures can also be targeted at different levels of the workplace: individual; job; and/or organisational (Vartia & Leka, 2011).

A widely advocated primary prevention strategy is to establish an anti-bullying culture where such behaviour is deemed unacceptable (Duffy, 2009; Needham, 2003; Yamada, 2008). Yamada (2008) contends that the necessary components of such a culture include a genuine organisational commitment to culture change, effective education and policies, and attentiveness to people and behaviour. The development and enforcement of a clear policy on workplace bullying is also widely discussed as part of such a commitment and as a key primary prevention measure (Djurkovic, McCormack & Casimir, 2006; Duffy, 2009; Holme, 2006; Pate & Beaumont, 2010; Rayner & Lewis, 2011). As Rayner and Lewis (2011) write, an organisational policy exists to serve two central functions: to communicate the organisation's intent and to summarise the processes in relation to workplace bullying. However, to minimise the costs of bullying, secondary and tertiary measures are also required.

Despite a number of interventions posited as being effective, there are serious barriers to their implementation and potential effectiveness. As bullying can be subtle, procedural and open to debate around interpretation and meaning, it is less amenable to regulation and workplace intervention than more overt forms of harassment, discrimination and violence (McCarthy & Barker, 2000). HR and Occupational Health and Safety (OHS) professionals may have considerable difficulties managing workplace bullying where bullies are senior to them in the organisation. Further, management may be reluctant to address workplace bullying when bullies are otherwise perceived as effective and productive, and bullies may even be rewarded with promotion (Leck & Galperin, 2006). Finally, and perhaps most disturbingly, management may not understand the nature of bullying, nor how it should be prevented, with the inevitable result that employers are failing in their duty of care towards employees. The result can be targets who are left to deal with bullies alone or resorting to other solutions such as leaving the organisation (Hoel & Beale, 2006; Rayner, 1998; 1999). Targets whose experiences are not dealt with effectively by the organisation may feel that their only option for retribution may be to enact grievance procedures, exposing themselves to lengthy and uncertain processes with possibilities of further victimisation and stress (McCarthy & Barker, 2000). It is, therefore, imperative that bullying legislation not only results in bullying complaints being resolved fairly, but that it also encourages the adoption of organisational-level strategies recommended for effective workplace bullying intervention.

Analysis of statutes in Australia and New Zealand

Although the legislation in Australia and New Zealand is not designed to be prescriptive, we contend that there is room for progress towards statutes that complement the progress being made in addressing workplace bullying at organisational level. To do this, it is imperative to consider not only the intervention measures advocated at the organisational level but also the unique and complex nature of the phenomenon when trying to effectively address bullying complaints via legislation. For example, despite the growing recognition and awareness of workplace bullying in New Zealand, there is no specific legislation or policy to hold organisations or perpetrators legally accountable for the harm caused by workplace bullying. The Human Rights Act 1993 was developed to promote respect and harmonious relations in New Zealand society, yet its emphasis is on harassment in the form of sexual and racial discrimination (Human Rights Commission, 2008). Cases of workplace bullying typically lack such an underpinning (Needham, 2003) and, for those that do, these discrimination regulations are repeated in employment legislation. Hence, the Human

Rights Act appears to be less well suited for workplace bullying and other psychosocial hazards. Therefore, two pieces of legislation – the Employment Relations Act 2000 (ERA) and the Health and Safety in Employment Act 1992 (HSE Act) – are the legal avenues for investigating and determining claims.

Although the Australian legislative framework is slightly more complex due to differing laws at the regional state level, significant progress has been made towards harmonising health and safety legislation across the country and, in certain states, criminalising workplace bullying and introducing specific Codes of Practice. The key statutes, however, align somewhat with the New Zealand context. As with the Human Rights Act in New Zealand, the federal and state anti-discrimination legislation require a bullying complaint to be linked to an attribute covered by the Acts (e.g. age, sex, disability). As this legal avenue excludes many bullying experiences, we limit our analysis to three key pieces of legislation: the Fair Work Act 2009 (FW Act), enforced by the federal government, state government health and safety legislation, and, in Victoria, the Crimes Act (1958) within which workplace bullying has recently been criminalised.

Employment disputes legislation

While the employment disputes legislation in Australia and New Zealand differ significantly in the breadth of dispute they cover, there are distinct similarities to their legislative approaches. In New Zealand, the ERA holds organisations accountable for failing to promptly and fairly act on an employee complaint. Targets who believe they have suffered harm as a result of being bullied at work can potentially lodge a personal grievance for unjustified disadvantage and, if the employment arrangement has since been terminated, unjustified dismissal. The ERA is currently the most commonly utilised statute for employees seeking compensation for hurt and humiliation as a result of the employer's failure to adequately address a bullying-related complaint. The Australian federal government's FW Act currently holds organisations accountable only on the grounds of harsh, unreasonable or unjust termination. Cases of workplace bullying are, therefore, only heard under this legislation in circumstances where the applicant's employment has been terminated. Under the FW Act, enforced by the federal 'Fair Work Ombudsman', a target who has resigned as a result of bullying can only be successful in a claim if they can show that the employer instigated their resignation². Similar to the ERA, penalties for breaches of the FW Act may be awarded to the applicant.

Despite these statutes being commonly utilised by targets of bullying, the contention is that these Acts are limited in their ability to deal with a complex phenomenon like workplace bullying where the behaviour is covert and subjective and the harm inflicted is psychological and cumulative. Although researchers have attempted to objectively measure bullying prevalence, bullying is a subjective phenomenon in which the cause of harm is based largely on the target's perceptions (Mayhew et al., 2004; Neidl, 1996; Saunders, Huynh & Goodman-Delahunty, 2007). Further, the harm experienced by a target of bullying is often unable to be located in a single episode and is instead inflicted as an accumulation of numerous systematic behaviours that, experienced in isolation, are unlikely to cause significant harm (Keashly & Neuman, 2004). Thus, behaviours, such as being given unmanageable workloads or unreasonable deadlines, are unlikely to provide strong evidence towards a target's case unless the accompanying context is considered (Archer, 1999; Cowie, Naylor, Rivers, Smith & Pereira, 2002; Hoel & Beale, 2006). As one such determination stated, "many of the incidents about which [the applicant] complained were capable of being interpreted in a manner other than that in which he perceived them" (*Bachu v Davie Motors Ltd* [2009] NZERA 503). A similar Australian case stated "[the applicant] is being bullied but cannot prove how this is being done because it is a subtle form of bullying that is hearsay" (*Saunders v OSI International Foods Pty Ltd* [2012] FWA 6147). Consequently, the often discrete and subtle nature

of bullying is such that the target's ability to provide sufficient factual evidence to support their claim is likely to be problematic in cases of other than extreme bullying.

Unlike many other complaints that are likely to be heard in the legal system, a target of bullying has likely been exposed to numerous discrete and subtle behaviours over a period of months or even years. Concerns regarding the accuracy of recalling historical events as evidence are highlighted in several cases, especially considering the nature of bullying is such that, to parties other than the target, the behaviour at the time may have been perceived as trivial, or even 'normal'. Cases demonstrating conflicts of evidence provided by the parties are common and the legal body is required to determine the facts based on the balance of probabilities (see for example *Corneal v General Distributors Ltd trading as Woolworths at Gull* [2007] NZERA 395). However, reluctance of witnesses to speak out (Paull, Omari & Standen, 2012; van Heugten, 2011), coupled with the often covert nature of bullying, may mean few witnesses to corroborate the target's account but a number of witnesses to corroborate the bully's account of 'normal' or 'unintentional' behaviour towards the target.

As the existing legislation stands, a large amount of responsibility for addressing bullying is placed on the target who is required to report and provide evidence sufficient to prove that the perpetrator's intentions were harmful. One significant problem in this regard is that workplace bullying is severely underreported. For example, Keashly and Neuman (2004) found that only 53 percent of targets reported the bullying to their direct supervisor and only 15 percent lodged a formal complaint. Similar studies have identified that few targets of bullying voice a complaint for fear of being subjected to further harm and/or because they perceive the organisation as being unable and unwilling to resolve the complaint in a fair and timely manner (Bentley et al., 2012; Djurkovic, McCormack & Casimir, 2008; Ferris, 2004; Huntington et al., 2011). A further concern is that, in many contexts, the alleged perpetrator is in a position of greater formal or perceived power and, in some cases, the reporting channels are such that the target is required to report their complaint to the bully themselves (Rayner & Keashly, 2005). Researchers also suggest that underreporting is a key factor influencing organisations limited understanding of the phenomenon and its prevalence (Bentley et al., 2009b; Keashly & Neuman, 2004). Accordingly, managers often dismiss bullying as a personality clash and a problem to be resolved by the individuals involved rather than the organisation (Ferris, 2004). Lack of legislative guidance on workplace bullying not only contributes to underreporting but may allow employers to be apathetic in managing bullying in their organisations.

Hence, although the approaches of the ERA and FW Act are to encourage effective secondary intervention in employment disputes (i.e. dealing effectively and fairly with complaints and terminations), there are clearly a number of concerns regarding their efficacy in determining complaints of bullying. Unlike many of the general disputes heard under employment disputes legislation, workplace bullying is often covert and harm is incurred as a result of the target's interpretation of numerous systematic behaviours over a period of time. This, alongside the question marks over the ability and willingness of witnesses to recall historical events that may have seemed trivial at the time, acts as a complexity that the existing approach of the employment disputes legislation often struggles to accommodate. Further, considering the prevalence of underreporting and lack of knowledge about workplace bullying and effective intervention often present, in many organisations, the responsibility on the target to provide sufficient evidence of their experience is likely to result in the target's inability to be successful in a personal grievance.

Health and safety legislation

The approach of health and safety legislation to determining claims of workplace bullying differs significantly from that of employment disputes legislation. In New Zealand, claims can be brought against organisations or individuals under the HSE Act (1992) for a breach of duty by failing to take all practicable steps to ensure the safety of employees while at work. The legislation requires employers to have in place methods for systematically identifying existing and new hazards and regularly assessing the risk posed by those identified hazards. Furthermore, the legislation requires organisations to eliminate, isolate or minimise hazards deemed ‘significant’. Amendments to the Act in 2002 integrated “physical and mental harm caused by work-related stress” into the definition of harm along with a broader definition of a hazard to include “a situation where a person’s behaviour may be an actual or potential cause or source of harm”. These amendments represented a significant step forward in acknowledging psychosocial hazards in the work environment. In Australia, the occupational health and safety legislation are the only Acts broadly addressing claims of workplace bullying. A model Work Health and Safety Act (WHS Act) was developed by Safe Work Australia in 2011 in an attempt to harmonise occupational health and safety legislation between the different jurisdictions. Currently, the WHS Act, or an amended version has been enacted by the Parliaments of most of the Australian jurisdictions. Although the Act does not directly address psychosocial hazards in the workplace, it is similar to New Zealand’s HSE Act in that employers can be held accountable for failing to prevent bullying under the duty to provide a safe and healthy working environment and safe work systems (Safe Work Australia, 2013).

As previously discussed, the extant literature strongly advocates the need for primary measures in effective workplace bullying intervention. As such, a strong ‘zero-tolerance’ message, supported by relevant policy, training for managers and employees, and on-going monitoring and policy enforcement are considered effective in preventing bullying. Unlike employment disputes legislation, which takes a compensatory and, thus, rehabilitative approach, health and safety legislation in Australia and New Zealand provide a mechanism for holding organisations accountable for deficiencies in primary prevention. This technically makes organisations liable for preventing bullying from occurring in the first place, or subsequently recurring. New Zealand’s HSE Act and Australia’s model WHS Act feature strong similarities in what is deemed to be ‘reasonably practicable’ steps in protecting employees’ from harm. Both statutes consider the severity of the harm, the employer’s current state of knowledge about the risk, and the current state of knowledge about the means available and the costs of those means in eliminating or minimising the risk of harm.

However, unlike a personal grievance under the employment disputes legislation that can be lodged by an individual employee at minimal cost, the expense and complexity of bringing a private prosecution under the health and safety legislation would usually outweigh the level of compensation awarded. In New Zealand, the target can lodge a complaint with MBIE, but it is MBIE who determines whether or not the claim warrants an investigation of the organisation’s health and safety standards. For MBIE to pursue legal action, the requirement is often the occurrence of a serious incident or a significant number of complaints. Therefore, many claims are unlikely to meet the threshold for action or have to become serious incidents before they are investigated, by which time significant harm has already occurred. Similarly, in Australia, each jurisdiction has a regulator (often WorkSafe or WorkCover) responsible for assessing complaints of bullying and investigating complaints if deemed sufficiently serious. Hence, an employee cannot seek compensation for a breach of the WHS Act by lodging a grievance directly to a court or tribunal. Instead, each jurisdiction has a form of workers compensation legislation under which a compensation scheme is operating. When an employee lodges a bullying complaint to the regulatory authority, they can also claim for compensation for harm incurred as a result of the bullying.

An additional constraint is that, although the approach of the health and safety legislation seemingly alleviates much of the responsibility on the target to provide sufficient factual evidence of a complaint, the organisation cannot be held accountable for failing to take all reasonably practical steps to prevent the harm should their current state of knowing about the risk be the cause of their inaction. Research suggests that managers are often unaware of the severity of bullying in their organisations (Bentley et al., 2009b; Ferris, 2004) which is likely to be indicative of the covert and discrete nature of bullying and, subsequently, its ability to often go unnoticed. The limited protection offered by the law's requirement to consider the employer's current state of knowledge potentially lowers the efficacy of the legislation in protecting targets and allows employers to take an apathetic approach to the management of bullying and, thus, continue the invisibility of bullying within the organisation. Therefore, it would seem that the current requirement of an employer to obtain knowledge of the hazard still lies with the target or witnesses in bringing the hazard to the employer's attention.

Further, research in Australia, New Zealand and beyond suggests that organisations generally have a poor understanding of the phenomenon and its prevalence and consequences (Bentley et al., 2009b; Einarsen et al., 2011; Ferris, 2004). Employers often acknowledge that bullying is considered normal in organisational culture and that any resulting harm is due to a lack of personal resilience, or they see bullying as a personality clash and often deny that the situation is relevant to the business, leaving the parties to settle the conflict (Ferris, 2004). Due to this lack of clarity and understanding around workplace bullying, the intentions of the health and safety legislation are lost in the existing protections for employers meaning that employees are often not provided with the protection from harm under the health and safety statutes. However, it is not only employers who exhibit a lack of clarity and understanding around workplace bullying. In the year leading up to July 2011, WorkSafe Victoria received 6000 complaints from employees claiming to have been bullied at work. Of these complaints, only 10 percent were referred to the bullying response unit, with many dismissed on the grounds that the complaint did not constitute workplace bullying. Further, of these 10 percent, only one in 10 were deemed sufficiently serious to warrant further investigation from a labour inspector (Wells, 2011). These figures are of concern and emphasise the importance of clarity around workplace bullying to ensure the effective operation of the current health and safety legislative system.

Criminalising workplace bullying

Criminalising workplace bullying is an approach gaining international attention in recent years, with much debate over the efficacy of introducing such legislation. Victoria is the only state government to have specific legislation to hold perpetrators legally accountable for the harm caused by workplace bullying. Recent amendments to the state's Crimes Act (1958) have seen the definition of stalking extended to criminalise workplace bullying and hold perpetrators accountable for their behaviour. This came as a result of the bullying-related suicide of a teenage café worker. Although these amendments mean that a bully can be held criminally liable for their behaviour, no compensation is awarded to the victim as a legal remedy (Bornstein, 2012).

However, although workplace bullying was traditionally viewed as an interpersonal phenomenon, more recently bullying is viewed as a problem of the organisation with risk factors including role conflict and ambiguity, poor leadership, organisational change, reward systems and high workloads (Baillien et al., 2009; Salin, 2003). Criminalising workplace bullying discourages organisations from viewing bullying as a problem of the organisation and further removes the onus from the organisation to address the root causes of bullying. Hence, although criminalising workplace bullying sends a strong message that bullying will not be tolerated, the message it sends to employers in regards to their organisational obligations contradicts that identified in the research

literature and enforces the common existing view that bullying is simply a heightened interpersonal conflict to be resolved by the individuals involved (Ferris, 2004). As Australian law firm Maurice Blackburn point out, the significant majority of bullying cases are not nearly as severe as that of the case that led to the development of the amendments to the Victorian Crimes Act and should not be considered criminal matters (Bornstein, 2012). Although imposing harsh penalties around workplace bullying sends an effective symbolic message, introducing a further legislative approach heightens the already complex legislative frameworks and potentially enhances the ambiguity around the responsibilities and obligations of the parties involved. We contend that this approach fails to address any of the concerns with existing employment disputes and health and safety legislation and, instead, as discussed above potentially reinforces common misunderstandings that are inconsistent with our knowledge of bullying.

Where to from here?

This analysis draws attention to several key limitations of the existing legislative approaches. There would seem to be significant misalignment between the legislation and the nature of workplace bullying, a cumulative and subjective phenomenon often occurring covertly, being scrutinised and examined under a lens requiring clear factual and objective evidence. As the strength of this evidence usually increases with the duration and severity of harm, the consequence of existing legislative approaches is that they are retrospective rather than preventative. Further, it highlights concerns around the accessibility of the legislation and their ability to compensate victims for hurt and humiliation, and the approaches of the legislation in relation to the intervention recommendations of recent research.

The primary focus of the employment disputes legislation is not whether the applicant is able to provide sufficient evidence to prove that they have been exposed to behaviours that constitute bullying, but instead whether they can provide sufficient evidence that the organisation has subjected them to disadvantage by taking unjustified actions in investigating and resolving their complaint, or in the case of the FW Act, by terminating their employment. The outcomes of the employment disputes legislation are, therefore, rehabilitative and at a tertiary level in that it compensates targets for the harm and humiliation suffered and disciplines employers for inadequate intervention and resolution processes after a complaint has been raised. However, neither the employment disputes legislation or criminalising workplace bullying prevents the target from suffering harm or the organisation incurring harm-related costs, nor does it encourage organisations to be proactive in implementing primary preventions.

Although the existing health and safety statutes have weaknesses concerning their efficacy in protecting targets of bullying, they have been developed to encourage a preventative approach to managing health and safety in the workplace. This approach is aligned with recent research that encourages primary prevention through the lens of impacting organisational structures and processes (Duffy, 2009; Needham, 2003; Yamada, 2008). As it stands, the legislation only requires organisations to reasonably identify hazardous situations conducive to the bully; yet, the perspective from which the statutes have been developed has the potential to send a strong message of encouragement to employers to take a proactive approach to primary prevention. However, current health and safety legislation in Australia and New Zealand is unable to address many of the concerns identified in regards to the lack of clarity around bullying, the perceptions of bullying as an interpersonal phenomenon, and in encouraging the utilisation of preventative measures at organisational level. Due to the protections in place that require organisations to intervene only within their ability according to their current state of knowledge, the preventative approach of the health and safety legislation has little prescriptive effect.

Although the employment disputes and health and safety legislation both have similar weaknesses in the context of workplace bullying, they each capture a well-recognised concern of the academic literature; respectively, the need for organisations to resolve conflict promptly and fairly, and the need for a preventative approach to the management of bullying. Initial thinking around workplace bullying has shifted from where bullying was thought to stem from individual risk factors of those involved to acknowledgement of the role that organisational structures and processes play in its development (Hauge, Skogstad & Einarsen, 2009; Hoel & Salin, 2003; Notelaers, De Witte & Einarsen, 2010). Therefore, health and safety legislation parallels the recent literature in its view that bullying is a problem ‘of’ the organisation, not simply a problem ‘for’ the organisation, and it is, therefore, management’s responsibility to identify, investigate, and resolve. However, current legislation and government policy does not recognise workplace structures and processes that encourage bullying to develop. The health and safety legislation appears to be most suitable for recognising these risk factors but, as it stands currently, organisations are rarely held accountable for bullying under these Acts due to the law’s requirement to consider the current state of knowledge about the risk and the considerably higher burden of proof required by the district courts.

It becomes clear that, to increase the efficacy of existing health and safety legislation to determine cases of bullying, more information is required around workplace bullying for both organisations and their employees. We contend that an accessible and authoritative medium through which to communicate such information would be in the form of a Code of Practice specific to a jurisdiction. A typical Code of Practice includes information on what workplace bullying consists of, why it goes unreported, what employers should do to prevent it (including developing a policy, consulting employees, training and monitoring) how to respond to incidents, and how it fits within the legislative framework. Such a Code, designed to support existing health and safety legislation in determining claims, outlines best practices for all stakeholders, informing them of the nature and risk factors associated with workplace bullying and recommending a preventative approach to its management.

In September 2011, SafeWork Australia released a draft Code of Practice for public consultation titled ‘Preventing and responding to workplace bullying’, which was designed to complement the recently developed model WHS Act. Although the Code is still in its draft stages, the federal government recognised, through a national inquiry into workplace bullying completed in November 2012, the urgency with which the Code needs to be finalised and implemented. Despite the Code not yet being finalised, the Australian Capital Territory has already formalised the Code under the state’s WHS Act. The presence of a Code has the potential to reduce the number of unsubstantiated claims, educate employers about workplace bullying and encourage the implementation of prevention initiatives. Organisations that may have previously feigned ignorance under health and safety legislation may now be held accountable for failing to protect employees from harm through workplace bullying. Although in New Zealand there is no sign of a Code of Practice being developed in the near future, MBIE have recently developed guidelines to educate practitioners about workplace bullying and its management.

We contend that the development and implementation of a Code of Practice to complement health and safety legislation in Trans-Tasman jurisdictions is likely to minimise or mitigate many of the identified concerns with the existing legislation as it relates to determining claims of bullying. Not only does it provide employers with the knowledge to prevent workplace bullying and, thus, be held accountable for failing to do so, it provides clarity around bullying for employees, reducing the risk that the increasing popularity of the term is resulting in unsubstantiated claims causing disputes at both organisational level and in the legal system. Finally, a Code of Practice that is admissible as

evidence of what is known about bullying in legal proceedings is likely to enhance clarity for the legal bodies tasked with determining claims in so far as their ability to infuse the subjective and longitudinal elements of the definition of bullying into their determinations.

Conclusion

Despite a growing body of research and interest from practitioners, many organisations are seemingly unable or unwilling to effectively investigate and resolve bullying complaints. As a result, a number of organisations are finding themselves before legislative authorities for subjecting targets of bullying to an unjustified disadvantage (ERA) or termination (FW Act) or failing to provide a safe working environment. The findings of Trans-Tasman prevalence studies are a clear indication of a significant problem, yet legislation and government mechanisms are currently deficient when addressing the unique and complex nature of workplace bullying. Not only do the current legislation and government mechanisms appear to have weaknesses in their efficacy in protecting targets of bullying, organisations are being shielded by protections within the legislation and an ensuing onus on the victim to provide the organisation with sufficient information about the complaint. Such protection is not only unhelpful, but does not protect targets from harm or the organisation from harm-related costs.

In this paper, we focussed on three legislative approaches – the employment disputes legislation, health and safety legislation, and criminalising workplace bullying. Specifically, we drew attention to the covert and systematic nature of bullying, witnesses' ability and willingness to recall historical events, underreporting, and considerations of the employer's current state of knowledge and contended that these are key factors hindering the efficacy of existing legislative frameworks and the target's ability to seek redress. Further, the employment disputes legislation approach captures ineffective management at the stage of secondary intervention and, thus, fails to encourage bullying prevention whilst criminalising bullying, although attractive on the surface, encourages a focus on individual perpetrators rather than wider organisational issues. Although the health and safety legislation, as it stands, is unable to overcome many of the issues identified, a Code of Practice designed to support the legislation offers a potential solution to many of these obstacles. The argument for a Code of Practice to complement accessible health and safety legislation is not only supported by recent research that encourages a holistic preventative approach to addressing workplace bullying, but also informs employers of the nature of bullying and thus moderates the weaknesses observed in determining claims under the existing legislative framework.

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Notes

¹ A version of this paper was presented at the Australia and New Zealand Academy of Management Conference in December 2012, and awarded Best Paper for the HRM stream. The paper has since been substantially revised to account for changes in Trans-Tasman legislation and policy and is current as at November 2013.

² Amendments to the FW Act from January 2014 will allow employees to apply to the Fair Work Commission for an order to stop an experience of workplace bullying.

“Work stimulates you to think about your future”: The importance of employment during social integration from the perspectives of young Somali men living in Australia and USA

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Abstract

This is a qualitative study investigating the importance of employment for young Somali men living in Australia and USA. The study, based on 30 young men participants, explores their experiences and perspectives about the role of employment during the transitional period of social integration into the receiving countries. The paper also compares young men's experiences and perceptions of the importance of employment with their parents' experiences. Scholarly findings on refugee employment are compared to the observations discussed in this research. Some differences between the young participants and their parents have emerged, yet, most of the respondents shared similar views about the importance of employment.

Key Words:

Somali, young men, parents, employment, integration, Melbourne, Minneapolis.

Introduction

People have been on the move since the beginning of human existence (Berry, Phinney, Sam & Vedder, 2006). The movement of ethnically, racially and religiously diverse migrants across continents is a relatively new phenomenon, and has been on the increase since the beginning of the twentieth century (Binder & Tosic, 2002). This presents “both opportunities and challenges for migrants, and receiving societies alike” (Berry et al., 2006: 1). Some of these people migrate voluntarily, hoping for a better life, but many are forced to migrate because they face persecution due to their beliefs, political opinions, or membership in a particular social group (Binder & Tosic, 2002).

Along with the nomadic way of life that still remains in the Somali blood, people are afflicted with prolonged civil war which creates hardships and the need to move. As a result, hundreds of thousands of Somalis fled from their homeland seeking a refuge and shelter in countries such as Australia and the USA. Due to ongoing violence and conflict,

Somalia remains one of the countries generating the highest number of displaced people and refugees in the world. There are more than 1.4 million Internally Displaced Persons (IDPs) in Somalia while over 560,000 Somalis live as refugees in neighbouring and nearby countries (UNHCR, 2010 online)

The paper draws on the findings from my 2011 PhD thesis and, in doing so, presents a story of the experiences of young Somali men who have fled Somalia and are now living in the Australia and the

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USA, explaining their perspectives of the importance of employment in their receiving countries. The overall aim of this paper is to investigate and compare the perspectives and experiences of young Somali men living in Australia and the USA in relation to the importance of employment during their social integration. The specific objectives are to:

1. Identify young Somali men's experiences and perceptions of the importance of employment in Australia and USA.
2. Identify their parents' perceptions of the importance of employment in contrast to young people's point of view.

The paper commences with a brief literature review which provides the context for study. Next, the methodologies used in the study are explained, describing briefly Somali community profiles in Melbourne and Minneapolis. The qualitative findings are discussed and focus on young men's experiences and perceptions of the importance of employment in Australia and USA. The paper specifically explores the importance of employment in fulfilling an individual needs, health and well-being, understanding cultures and developing negotiation skills and language acquisition, preventing crimes and providing a sense of direction, instilling a sense of belonging and providing positive role models.

Literature review

Having a job has constantly been identified as a major factor positively influencing many issues related to the social integration of refugees such as: self-reliance, restoring self-esteem and confidence, engaging with the host society, improving language and social skills and planning for the future (Ager & Strang, 2008; Phillimore, Craig, Goodson & Sankey, 2006). Employment structures their psychological make-up and the cycle of their daily life activities in positive and productive ways (Bloch, 2002; Colic-Peisker & Tilbury, 2007; Giddens, 1993). It develops a sense of security and sense of belonging to the receiving country (Phillimore et al., 2003). Due to its importance in the adaptation to new milieu, the refugees must, first and foremost, find employment, which then paves the way for better social integration (Carmon, 1981). Refugees' employment and integration into the labour market are crucial points in their integration into the host society (Heimonen & Julkunen, 2006; Schedler & Glastra, 2000).

On the other hand, the consequences of unemployment for refugees, particularly youth, include a greater risk of mental health, a greater likelihood of criminality, lack of confidence in finding work, poverty, low social mobility and social status (Heimonen & Julmkunen, 2006; Melia, 2004). For instance, Heimonen and Julkunen, (2006) find that, while migrants and refugees employed in Germany are satisfied with their health, unemployed migrants and refugees are less satisfied with their health and with their lives in general (Heimonen and Julkunen, 2006). Similarly, Bloch (2002) finds that, regardless of the types of jobs they have, the majority of refugee employees in the UK were generally more satisfied with their life than unemployed ones. Recent studies show that refugee youth with unemployed parents have negative experiences from their peer groups, such as teasing or being paid no attention by their teachers (Montgomery & Foldspang, 2007). Refugees who are unemployed are more likely to be marginalised from the wider community than those who are working (Bloch, 2002; Colic-Peisker & Tilbury, 2007).

Methodologies

Ethnographic research

This study is a qualitative investigation comparing the experiences of young men living in Minneapolis, USA, with their counterparts living in Melbourne, Australia. The study was carried out in two field sites, the northwest suburbs of Melbourne, Australia, and the Cedar Riverside neighbourhood of Minneapolis, USA. The total number of formal interviews conducted as part of the study was 80 representing 30 young participants aged 16-25, and 50 other interviewees, including parents and key community members. This study is informed ethnographically. This type of research is particularly well suited for studying “hard-to-access groups”, such as refugees and immigrants, or groups resistant to survey methods (Hudelson, 1996).

At the beginning, the research plan aimed at keeping the balance between female and male participants but during the pilot project in stage one, it was evident that girls were not comfortable discussing some matters related to gender relationships with me while boys did not mind. Islam teaches that interactions between men and women, who are not related, should be restricted in both the public and private spheres. Culturally, it is often taboo (especially by elders) for a woman to have a relationship with an unrelated man, but there is more flexibility for an interviewer’s instructions with Somali men. These gender divisions made it difficult for the researcher to discuss a range of issues with young women. For that reason, the researcher decided to drop young women.

Methods of data collection and sampling

Primary data was mostly gathered through oral/narrative methods, which are best suited to Somali culture as well as to the participant parents’ levels of literacy. Data sources included audio recorded unstructured and semi-structured interviews, focus groups and field participant observations. The sampling strategy of this study was purposive, using a range of specific strategies including snowball sampling, and key informant sampling through community networks.

Young participants’ socio-demographic characteristics

Among those living in Melbourne, all but two of the young people were born in Somalia. One was born in Australia and the other in Saudi Arabia. Their ages ranged from 16 to 25. Eight of the 15 young participants lived with both parents, and four young participants lived with their mothers only. One young man lived alone, one was married, one lived with his siblings and one lived with his mother and his uncle, who was also his stepfather. Most young people were from large families.

Melbourne participants had lived in Australia for an average of 11 years. In terms of length of residence, all but one has been in Australia for between seven to 15 years. One young man was born in Australia and lived here almost all his life, and one young man had lived in Melbourne for two and a half years. Eight out of 15 participants were studying at the time of the interview; one was studying at university, one at TAFE, one at ESL and the rest at high school. Two of these students had part-time jobs at the time of the interview. Seven out of 15 were not studying at the time of the interview and five of these seven who were not studying had full time jobs and two had part-time jobs. Again, guardians of the young people had jobs, four did not and one did not state his guardian’s employment situation.

In the Minneapolis study, all but one participant was born in Somalia (one young participant was born in Kenya). Their ages ranged from 17 to 25. Only three out of the 15 young people lived with both their parents, six young participants lived with their single mothers, a young man with his father who was married to another woman, two young participants with their older siblings, two with their uncles, one with his aunt and one lived alone. Most of these young people were from large families ranging from seven to 12 members.

In terms of lengths of residence in the USA, all of them except three young participants had lived in USA for between seven to 16 years. One young man lived there three years, another young participant lived there almost three years and one young man for four years. In terms of education, all of them were studying either at high school, colleges or university. Five did not work, three worked during summertime and school holidays, three worked fulltime, one worked part-time and one worked as a volunteer. Regarding their guardian employment, 10 out of 15 participants' parents/guardians had jobs; for one, his mum was sick, and another one, his aunt did not work. Two participants, who lived with their old siblings, and one who, lived alone, did not mention if their siblings had jobs.

Methods of data analysis

I began my analysis early in the research process during the formal and informal interviews, which gave me time to reflect on and discuss the topic of research with participants. Ongoing observations, filed notes, interactions with the community members, particularly young people, and attendance at community gatherings and congregations were also important to my analysis, and to understanding the topic deeply. Moreover, I transcribed the interviews myself, which gave me the opportunity to analyse interviews individually and then to analyse cross-case data, comparing their similarities and differences. I then coded and categorised interviews under themes.

Data analyses are presented here both directly and indirectly. Sometimes I present direct quotations from participants; sometimes I conceptualise participants' data in my own words; and sometimes I compare the qualitative data with views expressed in the literature. The main comparison is, however, between the qualitative data itself, for example, comparing data from Melbourne with Minneapolis data. Youth interviews are also sometimes compared with parent and adult views. The findings cannot be generalised to the whole researched population or to the targeted community (Patton, 2002).

Somali communities in Australia and the USA

Australia

A significant number of Somalis arrived in Australia, especially Victoria, under the Refugee and Special Humanitarian Program and the Family Reunion program, particularly during the period of 1991-2001 (Jupp, 2001; Clyne, and Kipp, 2005). As the 2011 Census shows, the Somali population in Australia numbered around 14000 (Australian Bureau of Statistics, 2011). The largest concentration was in Victoria, particularly in Melbourne (61 percent). The majority of Somalis have settled in Melbourne's northwest although there are communities in the inner city suburbs and in the west. The northwest suburbs are culturally diverse and the specific areas where Somalis have settled can be characterised as low income areas with a high proportion of public housing. The Somali community in Australia is highly urbanised – 98.7 percent live in capital cities (Victorian Multicultural Commission, 2007).

The USA

As a result of the civil war, the Somali community has become the largest group of African refugees in the USA. It is:

one of the unique sets of newcomers to ever enter this nation ... the uniqueness of these newcomers and the fact that relatively little is known about them makes it imperative to study and understand their situation (Goza, 2007: 255).

The most recent estimates of the total population of Somalis living in the USA ranges from 150,000 (Shio, 2006) to 300,000 (Sonsalla, 2003).

Since 1991, the number of Somalis has increased rapidly, concentrated in the mid-western states, particularly Minnesota (Goza, 2007, Kusow, 2007). The largest Somali community in the USA lives in the Twin Cities, Minneapolis and St Paul, with a combined population of more than 50,000; the Twin Cities are regarded as the *de facto* capital of the Somali community in the USA (Schaid & Grossman, 2004). Many Somalis, especially new arrivals live “in the Cedar-Riverside areas between downtown Minneapolis and the University of Minnesota where you can easily see women wearing the hijab or a group of Somali men lingering outside a coffee shop” (Roble and Rutledge, 2008: 135). Somalis have also been drawn to almost all cities of Minnesota including small ones. Thus, they can also be found in Rochester, St. Cloud, Owatonna, Waseca, Marshall, Faribault and Mankato (Shio, 2006, Minneapolis Foundation, 2009). Pull factors for Somali resettlement to these cities include good services, education and employment opportunities, a good social welfare system, a well-established Somali community, and word-of-mouth among the Somali diaspora about the benefits of living there (Horst, 2006).

Results

The importance of employment

This paper discusses the employment experiences of young men in Somali communities in Melbourne and Minneapolis, and compares their experiences to their parents’ experiences, and scholarly findings on refugee employment. The main themes discussed are participants’ perceptions of the importance of employment. Although there are some differences between young men and their parents in the perceptions about the importance of employment, most participants in Melbourne and Minneapolis share similar views about the importance of employment for themselves and for Somali communities in fulfilling an individual’s needs; maintaining their health and well-being; and facilitating them to learn both the English language and the mainstream cultures. According to our participants’ point of view, employment helps them to develop the sense of belonging to the mainstream and organisational skills, and buffers them against the risk of involvement in crime since it provides them with a sense of direction in their daily life. These issues are discussed below.

Fulfilling an individual’s needs

Almost all participants in both Melbourne and Minneapolis confirm that the importance of employment is to earn money in order to fulfil personal needs and become self-sufficient and confident, which helps one to establish a life in the new country and to integrate economically and socially in positive ways.

As the interviewees noted:

Money makes you man (a young man³ from Minneapolis)

I think everybody is going to make money that is why you work. So, you can pay off what you like, you can pay off shoes, you can pay off for rent, for the bills, I mean [work] from that perspective is beneficiary [beneficial] (a young man⁹ from Minneapolis).

You get money and you can help your family, you can save money and later on you can do your own investment...you are a young single man so if you like to get married you can do it because you have money (a young man⁵ from Melbourne).

Without an income from a regular job, anxieties about coping with daily life tend to multiply (Giddens, 1993). Unemployed people become dependent on others or on social welfare, which results in loss of independence and social status. Studies of 1,770 refugees in Birmingham, UK, showed that participants stressed that having a good job meant material self-sufficiency (Phillimore et al., 2003). As well as fulfilling personal needs, employment is perceived by many participants in this study as a critical means to help family and relatives, particularly those who need it the most in Somalia, the war-torn country.

Health and wellbeing

A number of participants also linked the importance of employment with using their time in positive and productive ways, which improves their physical and psychological fitness and well-being. Suffice to say that a healthy person has a better chance of integrating and interacting with others than an unhealthy person.

You will intellectually and psychologically become fit, because work stimulates you to think about your future (a young man⁶ from Melbourne):

Work gets you up in the early morning because we can all tend to sleep [and] there is no production. So, I think work itself is another way that [is] saying: hi get up this morning. You have to do something. Take an advantage of the day. Be active (a young man⁴ from Minneapolis).

According to the young man cited above, working migrants and refugees are generally healthier than jobless ones. A popular Somali proverb makes a strong connection between a working body and well-being. “Cududii fayowbaa maskax caafimaad leh” – a healthy mind is in a healthy and working body. “Employment has been found to be crucial to the psychological well-being of ethnic minority migrants” as work significantly enhancing the psychological well-being of migrants compared with the unemployed (Phillimore et al., 2006: 19).

Understanding cultures and developing negotiation skills

Employment is also considered by participants, particularly by parents in Minneapolis, as a means of understanding other cultures, which facilitates both refugees’ and mainstream employees’ negotiation skills, shared understanding and mutual respect. Guerin, Guerin, Diiriye & Abdi (2005: 10)

acknowledge the importance of acquiring the knowledge and culture of the new country including “the subtle interpersonal...colloquial English and informal...communications skills” which enable new arrivals to establish networks and social advancement in the new country. A mother² from Minneapolis talked about her experience saying:

I know other cultures. I learnt other cultures because I work with different backgrounds like Mexicans, and African Americans. I learnt how to deal with non-Somalis. I think I am more active and socially more connected than many [Somali] people who don't work...even if I go to other countries, I know how to live and how to work with other people, and [I can] easily adapt to other cultures.

This view is endorsed by Phillimore et al., (2003) and Giddens (1993), who explain that employment is a mechanism for economic advancement for refugees as it helps them to establish social connections, make friendships among the mainstream, improve their language skills and cultural understanding and develop a sense of security through participating in shared activities with others. Working refugees are observed to adapt more quickly and easily to the new culture than unemployed ones, who experience social isolation (Phillimore et al., 2006).

Language acquisition

Somali parents' perceptions of the importance of work are connected to language acquisition through communicating with mainstream Australians and Americans. Craig et al.,'s (2006) findings reinforce these views, asserting that employment enables refugees to increase learning opportunities, particularly the new language of the host society. It also enables them to rebuild shattered lives and regain self-confidence:

At the beginning of this job, I did not know any word...I did not understand at all unless people use a body language and pointed things with their fingers. Now, I know everything and if the manager addresses something I can understand easily what he says (a mother² from Minneapolis).

Parents' emphasis on language and cultural acquisition through work could be attributed to the fact that they often start work without any English or with insufficient English soon after they arrive in the USA or Australia. By communicating and interacting with other employees whose common language is English, they learn English practically and develop an understanding of the new culture. In contrast to their parents, young people learn English and about mainstream cultures through schooling. Young males rarely talk about the workplace as a critical place to learn English and the new culture.

Interestingly, most Somali parents interviewed in Minneapolis mentioned frequently the importance of employment to language and cultural acquisition while their counterparts in Melbourne did not. According to my interviews with participants in the USA, the majority of Somali adults, including parents, have paying jobs which connect them to mainstream people. In comparison, most Melbourne participants believe that a large number of Somali adults in Melbourne, including parents, are unemployed. However, a few participants did believe that most Somali adults do work, but at casual jobs or self-employed jobs or jobs that isolate them from intermingling within, and negotiating with other Australians. These casual or self-employed jobs include those in day care and factories. For that reason, adults in Minneapolis may have greater communication about opportunities and interaction with the mainstream than those in Melbourne; because of their regular interaction with the mainstream,

those in Minneapolis can improve their language skills and cultural understanding faster than those in Melbourne.

A buffer against crime and providing a sense of direction

Another reason why employment is important is that it serves as a buffer against crime, such as drug dealing, fighting and association with gangs.

Work keeps me out of trouble, like instead of being involved in wrong things, you keep busy your time with something that is worthy (a young man1 from Minneapolis).

Work protects you from a lot of bad things. For example, if you have job you don't waste your time and you don't be on streets, because you get started early morning and you finish late afternoon or evening...Job puts you in right direction. It prevents you from involvement into trouble. It protects you to clash with police. In this country, if you are not studying or not working you get lost...and if you go through that, you know, stage of you know 'I am not working' and stuff like that you cannot build mentality ways you know, 'I am part of this country' and that can lead you to dissolution, disenfranchise and you become at risk you know, and can commit crime, take drugs you know...[and] you hurt others and hurt yourself (a young man13 from Melbourne).

As these responses show, young men believe that employment means that they put their time to good purpose, keeping them out of criminal activities and trouble. At the same time, they spend their time on meaningful things, indicating that young Somali men in work are able to integrate into the wider society in a more positive way.

Both parents and young men in the USA and Australia confirm that work enables them to discover their talents and what kind of job they are good at. Additionally, participants emphasise that work helps them gain local experiences, makes them motivated, disciplined, well organised in their ordinary lives, and behave responsibly. Employment also encourages people to plan for the future because

You have a sense of direction when you work (a young man8 from Minneapolis).

When you work you have aim, and long vision and you think a lot of things to do but when you don't work you have no aim and you will remain in the same position without going forward. When you have work you can establish your life in this country and buy house (a young man2 from Melbourne).

This perspective accords with Giddens' (1993) view that regular employment provides employees the rhythm of organisation on a daily basis and a sense of direction while unemployed people endure boredom and develop a sense of apathy about time.

Instilling a sense of belonging

Most Somali parents in Minneapolis and a few young men in both countries highlighted that having a job gives them a sense of belonging to the new country and makes them respected by the wider society. A working person is perceived by the host society as a good citizen and a contributor to the new country.

You are a taxpayer and that gives you good record and credit. To have good record, you have to work hard (a mother¹ from Minneapolis).

The issue of employment's contribution to the development of a sense of belonging is elaborated by young man⁹ from Melbourne:

Personally before I had job, I was kind of disillusion you know, I was Australian but I wasn't you know...I believe there are a lot of stereotypes out there. I believe that you know, being young African [man] living in Australia I have seen a lot of people, older [men] most drive taxis [because of] that we will never gonna to be able to get you know, jobs, certain jobs because of, you know, we don't belong here. But when you're working hard or if you do get the opportunity, then you know, you say to yourself I am a tax payer you know, I can do some sort of you know, and you build. It doesn't get overtime but the longer you work the longer you start to believe that 'I am part of this community [the wider Australia community] I am part of this country'...when you are not working, people will say to you, you are not contributing to this society which you know kind of puts you back you know, which means 'I am not part of this nation'.

As mentioned, the reason for Somali parents', in Minneapolis, frequent mention of the benefits of employment can, in part, be explained by the fact that most Somali parents interviewed in this study in the USA do work, and the work culture is clearly observed in the Somali community in Minneapolis. For that reason, the spirit of the community in Minneapolis is very high. In contrast, a work culture is less observable among Somalis in Melbourne and, accordingly, the level of community integration seems not to match that in the USA. In Minneapolis, the Somali community's high motivation was described by a participant mother who believes that Somalis in Minneapolis are now becoming house owners, and popular and powerful in Minnesota. She says that there is a community perception that even though the Somali community has been in Minneapolis 13 years, many American people believe that the Somali community is at the same level of development as other immigrants who came more than 40 years ago. She predicts that one day there will be Somali senators in Minnesota.

Rageh Omaar, a British of Somali background and former reporter with the BBC, recently made a documentary for the Al-Jazeera channel. He investigated the situation of Muslim communities in the USA, including the Somali community in Minneapolis. Omaar compares the Somali communities in the UK to their counterparts in Minneapolis and concludes that the Minneapolis community is going forward, in contrast to the Somali communities in the UK and elsewhere in Europe, and every place he has visited since. The following is excerpted from the documentary:

My adopted home England has a bigger Somali community than Minneapolis and it has been settled for longer. But they don't tend to think of England as home. My parents are typical. Their mental bag is still packed to return to Somalia, but that is not true here. These Somalis [in Minneapolis] are no less scarred or traumatised by their experiences. They are planted their roots deeper and faster than any Somali community I have seen in the world. They don't talk of returning home. They are home (Omaar, 2008).

In Omaar's interviews with Somalis in Minneapolis regarding their feelings towards the USA, his respondents highlighted the way in which the USA society fostered their positive adaptation, as the quotation below indicates:

Here in America, if you don't organize, if you don't vote, if you don't participate [in] American way of living you lost...you have to be American first, you have to do what other Americans do. You sacrifice your life to defend America because this is our country...because of the opportunities I get, the welcoming I get compared where I came from, how we were, how I was...this is home (cited in Omaar, 2008).

Positive role models

Both parent groups in Minneapolis and Melbourne believe that working parents make positive role models for their children. Work also enhances their relationships with their children and puts them in a position to be able to help in their children's education. The opposite is assumed to be true when parents have no jobs:

Children feel satisfaction when their parents go to work every morning to help them...that encourages children to do similar thing when they grow up. Kids say: I want to become like my parents, work hard and help people (a mother1 from Minneapolis).

I am father and I have experiences both being unemployed or employed. As a parent, when you work, you get more time with your children in meaningful ways. For example, when you finish job, you directly go home and then you see your children that they have just come back from school and they are doing their homework. So you can sit with them and help. When you work you are either at work or at home, and your children in both situations, see you as a responsible father, but if you don't work, you become careless, and you will be less involved into your children's homework...when you work, even if you personally cannot help your children, you can help them in other ways such as taking them to private school or bringing a home tutor and pay him/her (a father1 from Melbourne).

Religious encouragement

Finally, some parents and young male participants in both countries attribute the importance of employment to Islamic perspectives, stressing that Islam urges people to work hard. For that reason, they see work as worship. They explain that the ultimate goal of Islam is to enable every person to work and become self-sufficient, helpful to others and, at the same time, avoid dependence on others.

It is narrated from Prophet Mohamed that he said: the Prophet Daud [David] used to eat what he earned by his hands (a young man1 from Melbourne).

Another young man from Melbourne also alluded to Prophet Mohamed's teaching that the 'upper hand is better than the lower hand', meaning that the giving hand is better than the taking hand.

Conclusion

This qualitative investigation compared the experiences of young men living in Minneapolis, USA, with those living in Melbourne, Australia. According to information gleaned from our participants, employment is seen, first and foremost, as fulfilling personal needs to be self-sufficient. Lack of work

can lead to loss of independence and social status. This view correlates with Giddens' (1993) assumption which emphasises that, without an income from a regular job, anxieties about coping with everyday life will be multiplied.

Employment is also viewed by young participants as improving physical and psychological wellbeing. Additionally, both groups of young people stressed that employment serves as a buffer against crime, drug dealing, fighting and gang activity. It also protects youth from clashes with police, enables them to discover their talents and makes them well-disciplined, as it provides them with a sense of purpose and a daily routine.

Moreover, some parents and young men from USA and Australia expressed the view that employment gives them a sense of belonging to the new country; makes them respected; and helps them to be seen by the mainstream as good citizens because they are contributing to the new country in positive ways. Employment earns people a good reputation in the wider society as well as in the Somali community. Furthermore, employment provides, for refugees, opportunities to establish social connections, make friends among the mainstream and develop a sense of security and sense of belonging through participating in shared activities within the host society. Working parents make positive role models for their children and are in the position to provide for their children's material needs.

Despite identifying the similarities mentioned above among participants in regard to the importance of employment, there were, on the other hand, some differences. For example, employment is considered by parents, particularly those in the USA, as an important factor in understanding mainstream culture, acquiring English and rebuilding their shattered lives. Young people did not mention these factors, because they acquire culture and learn English at school.

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Workplace conflict management: legal intentions versus managers' experiences

GAYE GREENWOOD* and ERLING RASMUSSEN**

Abstract

The Employment Relations Act (ERA) 2000 aims for early resolution of employment relationship problems (ERPs) and good faith behaviour to “build mutual trust and confidence in all aspects of the employment environment”. The policy intentions for problem solving, facilitation and mediation have not been evaluated. Drawing on conflict events and ERPs, this paper investigates relational trust from ongoing PhD research in the primary education sector. These preliminary findings emerged during coding of first order themes from 33 semi-structured interviews. While identifying positive outcomes of conflict and ERPs, participants reported trust was easily damaged and complaints fuelled conflict. On one hand, ERPs were resolved collaboratively; on the other hand, settlement of ERPs by termination and financial exit packages were reported. These findings are discussed in the context of international literature about conflict management.

Introduction

Workplace conflict management could act as a savings account for dispute prevention. Employers and employees both make deposits and withdrawals from the good faith trust account. However, transactions that foster or diminish trust are not clear. School principals believe they manage complex workplace relationships by building and maintaining trust. Our research delves into employment relationship problems in primary schools to investigate how they are managed.

Over the last decade, New Zealand research about the employment relations dispute resolution system has focussed on state-created employment institutions, processes for collective bargaining, rates of grievance handling, the relationship between unions and employers, union density, strikes and lockouts. Academic literature (McAndrew, 2010; Walker & Hamilton, 2010) and state commissioned research (McDermott Miller Limited, 2007; Woodhams, 2007) identified a lack of understanding about workplace resolution of employment relationship problems.

In the institutional setting, aggregated frequencies of disputes have been indicators of workplace conflict in previous literature (Department of Labour, 2002a, b; Waldegrave, Anderson & Wong, 2003). Little is known about the substance and context of ERPs settled during state-funded mediation or resolved in the workplace. The costs and benefits of employer/employee problem resolution have not been measured (Shulruf, Woodham, Howard, Johri & Yee, 2009). Walker and Hamilton (2010) confirmed the need for in-depth analysis of conflict management within organisations because institutional satisfaction surveys painted an incomplete picture. Conducting case study research on mediation, Walker and Hamilton (2010) concluded investigation of organisational culture, values and ways of operating would provide deeper understanding of grievances. Good faith negotiation and early assistance mediation have been enshrined in legislation for over a decade, but a significant gap in conflict management research remains. We do not know what types of conflict and employment

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relationship problems emerge within the workplace nor do we understand how employers manage processes that resolve, escalate or settle conflict, problems and grievances.

This paper reports preliminary insights from PhD research (Greenwood, 2014) which aims to understand what types of conflict and ERPs are experienced, how, and why conflict and ERPs are resolved, settled or escalated. Participants in this project included school principals, leaders in senior management teams, dispute resolution practitioners, members of boards of trustees, education experts and representatives of interest groups. We analysed findings by looking for patterns and connections between conflict, employment relationship problems, dispute resolution processes and outcomes.

The paper begins by outlining the background to conflict management in New Zealand with a focus on the duty to negotiate in good faith and build mutual trust in all aspects of the employment relationship. We link good faith obligations with the conceptualisation of the psychological contract as a conduit for trust in the employment relationship. Examining international conflict management literature, we identify assertions about the growth of alternative dispute resolution (ADR) processes in the workplace and the rise of individualism. In the second section of the paper, we outline the research journey to date. Reporting preliminary findings, we posit a connection between formal complaint and escalation of ERPs. Identifying stories of early resolution by interest-based problem solving, we compare those stories with exit settlement negotiations. In the discussion section, we question the link between confidential exit negotiations and complaints. Connecting emerging propositions to literature, we discuss the significance of building relational trust with particular regard to strengthening the psychological contract.

The New Zealand policy context

The Employment Relations Act (ERA) 2000 signalled a fundamental ideological shift: from the former neo-liberal, 'free market' transaction between the employer and employee of the Employment Contracts Act (ECA) 1991 to a relational approach, one of social exchanges (Rasmussen, 2009). The policy goal was to view the employment agreement as more than a contract of service. The employment 'agreement' acknowledged the human relationship where people contributed effort and participation in return for formal and informal reward. The ERA required both employers and employees to act in good faith during their day-to-day interactions in order to build relational trust. The obligation of communicating in good faith in the workplace was an attempt to influence negotiation behaviour, normalise conflict and embed open communication during the bargaining of wages, conditions and conflict management processes.

The requirement for good faith behaviour in the ERA 2000 is outlined by the Ministry of Business, Innovation and Employment (MBIE 2013) to mean "in broad terms, that both employers and employees must:

- act honestly, openly, and without hidden or ulterior motives
- raise issues in a fair and timely way
- be constructive and cooperative
- be proactive in providing each other with relevant information and consider all information provided
- respond promptly and thoroughly to reasonable requests and concerns
- keep an open mind, listen to each other and be prepared to change opinion about a particular situation or behaviour, and
- treat each other respectfully"

Good faith behaviour provided a conceptual and pragmatic process framework for communication that aimed to enhance trust and normalise conflict in the employment relationship.

The ERP construct encompasses disputes between an employer and employees; employee, a union and its members; unions in the workplace, unions and employers or employers and other employers during multi-employer bargaining. The language of the Act signposts the intention for resolution close to the workplace at section 101(ab) “to recognise that employment relationship problems are more likely to be resolved quickly and successfully if the problems are first raised and discussed directly between the parties to the relationship”. The language directs parties to early informal processes for resolution. “ERPs were no longer to be defined by reference to the legal causes of action; it was possible to resolve employment relationship conflict before it was defined legally or escalated to a dispute” (Public Policy Academic cited in Greenwood, 2014). Workplace conflict management was to be supported by the state-funded ‘fast, free and fair’ mediation service (Wilson, 2000), to reduce litigation. The free provision of negotiation education and information through a state-funded call centre aimed to enhance productivity by resolving ERPs early, thereby strengthening joint commitment to an ongoing relationship. The legislation stated the innovative goals of building relational trust through good faith behaviour and problem solving relational conflict in its object thus:

- a. to build productive relationships through the promotion of mutual trust and confidence in all aspects of the employment environment and of the employment relationship –
 - i) by recognising that employment relationships must be built on good faith behaviour; and
 - ii) by acknowledging and addressing the inherent inequality of bargaining power in employment relations; and
 - iii) by protecting the integrity of individual choice; and
 - iv) by promoting mediation as the primary problem-solving mechanism; and
 - v) by reducing the need for judicial intervention, and
- b. to promote observance in New Zealand of the principles underlying International Labour Organisation Convention 87 on Freedom of Association, and Convention 98 on the Right to Organise and Bargaining Collective

(Section 3, ERA 2000).

Setting the workplace stage for open communication, good faith negotiation and free accessible mediation without reference to legal causes of action was an ‘innovative’ attempt to enable early resolution of conflict and disputes by mutual agreement. Where possible, it was hoped parties would resolve problems as close as possible to the workplace. However, international conflict management literature has debated the fairness and effectiveness of conflict and dispute resolution processes in the workplace, claiming these processes are symptomatic of the rise of individualism.

International literature on conflict management

This section reviews international literature on early dispute resolution practice and process. The predominant focus has been on whether individualised informal interest based processes disempower unions (Stone, 2002; Lipsky & Seber, 2003). According to Rousseau (2004), there is pressure on organisations to engage in innovative conflict management practices to strengthen relational psychological contracts. The psychological contract is “an individual’s belief in mutual obligations between that person and another party such as between the employee and the employer” (Rosuseau & Tijoriwala, 1998: 679). The conceptualisation of the psychological contract has been debated from March and Simon’s (1958) reference to exchange behaviour; Argyris’s (1960 cited in *ibid*) focus on

an evolving relationship; Levinson, Price, Munden & Solley's (1962) reference to mutual expectations; Kotter's (1973) focus on implicit reciprocity; Schein's (1980) illumination of unwritten expectations; and Rousseau's (1989) application of transactional promissory principles of contract formation. The term, therefore, encompasses the principles of mutual obligation, promise and expectation, often unwritten or implicit. The substance of these principles, or taken for granted assumptions about appropriate conduct in the workplace (Rousseau, 1995; Guest, 2004) rely on the mutual understanding of expectations in order that both parties act in accordance with their psychological contract. Here, we posit that, as parties make sense of their obligations, promises and expectations in the psychological contract, they are in an ongoing complex process of building trust in the employment relationship. Lewicki and Wiethoff (2000) identified that repeated positive expectations of good faith negotiation behaviour and collaborative conflict management built, what they termed, 'calculus-based' trust over time. The idea that calculus-based trust strengthens psychological contracts mirrors the good faith requirements of the ERA 2000. In this paper, we assert that requirement for good faith behaviour embedded in the ERA 2000 provided a process framework for the ongoing negotiation of the psychological contract by directing parties to communicate openly and manage conflict by problem solving. However, international researchers have been less optimistic about the intentions of interest-based conflict management processes.

The design of conflict management policies and systems in organisations has been consistently aligned with individualism, competitive non-union labour market strategies. Osterman (1994) claimed that high performance workplaces supported competitive strategies focussed on innovation and quality hence, organisations were diffusing new conflict management policies to remain competitive. Colvin (2003) reported growth in individualised innovative conflict management practices in North American non-union workplaces that enjoyed the support of employees. Lewin (2004) in the United Kingdom and Roche and Teague (2011) in Ireland suggested a lack of union trust in mutual gains, interest-based approaches to employment negotiation and innovative alternative dispute resolution (ADR), such as mediation.

More recent discussion of ADR by Roche and Teague (2012) suggested international growth of innovative interest-based conflict was shifting to include collective disputes. ADR as an alternative to court litigation encompassed a wide set of procedures for non-unionised workplaces, public sector systems, court affiliated judicial and non-judicial mediation and arbitration, conflict resolution processes for interest based bargaining, collective mediation as well as hybrid mediation-arbitration (med-arb) processes. Roche and Teague (2012) argued that workplace conflict management risked "multiple forms of ADR, or the so-called 'interest based' practices, taking precedent over rights based fall back procedures, such as formal grievance processes" (p.448). In New Zealand, an employment relationship problem (ERP) encompasses grievances. How people have made sense of grievances as problems and whether rights and interests are mutually exclusive is at the heart of the research project which underpins this paper.

Whether ADR at the level of the workplace undermines the power of unions; strengthens commitment and relational trust in the psychological contract between the organisation and individual employees in the workplace is unclear. Roche and Teague (2011) claimed individualism and labour market changes had pulled systems in different directions. They identified a lack of data to provide adequate understanding of how the individualised innovative ADR and traditional collective approaches would coexist and serve the needs of employees in the future. Lewin (2004) had reported that non-union firms adopted a battery of conflict management policies so that employees felt their needs and interests were being catered for by the firm. Colvin (2012: 459) recently asserted the "rise of ADR procedures represents a major, yet 'undertheorized' development in employment relations." So far, research has focussed on the growth in individualised ADR, the reduction in union density and whether or not interest-based processes posed a threat to union bargaining power. Survey research has focused on comparative inquiry about union and non-union workplace grievance procedures, and

interest-based ADR practices compared with traditional formal stepped or positional bargaining procedures (Lewin, 1987; 1999; Fueille, Chatchere & Delaney, 1992; Lipsky & Seber, 2003; Colvin, 2003; Cutcher-Gershenfeld & Kochan, 2007; Roche & Teague, 2011). More recently, there has been a call for “more sharpened research” into the shift to individual employment rights cases (Roche & Teague, 2012: 457). The need for research in the following areas was also identified; formalisation of legal processes, such as legal representation in mediation, increased costs of tribunals, the impact of employment contracts with clauses that stipulate mediation in the workplace for settlement of disputes, and the relationships between the decline in unionism and rise of individual grievances (Roche & Teague, 2012).

Other streams of literature have focussed on circumstances under which processes, such as mediation and arbitration in collective bargaining (Dunlop & Zac 1997; Ury, Brett & Goldberg, 1989) or negotiation (Lewicki, Saunders & Minton, 2000; Fisher & Ury, 1999; Walton, Cutcher-Gershenfeld & McKersie, 2000) should be implemented. Research about the rise of individualism and decline in collectivism has fuelled research inquiry. Academics have been less interested in researching ADR and conflict management systems that respond to individual conflicts and disputes at the level of the workplace.

In the 1980s, Ury, Brett and Goldberg (1989) warned that the organisational context shaped the way conflict was managed. Ostrom (2006) noted that researchers had still not researched mediation styles. Roche and Teague (2011) questioned whether there was a link between what they defined as innovative conflict management systems, the rise in individualism and high performance management. They surveyed firms in Ireland categorising innovative ADR conflict management practices as

- external arbitration
- engagement of external experts as early as possible to assist
- early brainstorming and problem solving to resolve problems
- use of formal interest based win/win negotiation techniques
- intensive formal communications regarding change and consultation as ADR practice to prevent conflict.

The procedures above reflect the ADR processes embedded in the ‘innovative’ New Zealand legislation. Roche and Teague (2011) asserted ‘innovative’ ADR conflict management practices “reflected a broad based attempt to foster commitment by aligning non-adversarial and consensus focussed approaches to dealing with disputes or contentious issues” (p.454). The aim of the New Zealand legislation was to prevent dispute escalation and protect the ongoing employment relationship. Colvin (2004) had identified a relationship between team-based working conditions and innovative conflict management practices and Lipsky and Seber (2003) had asserted that high performance workplaces had driven innovative ADR conflict management practices. Whether team-based work and high performance organisations share the same goals for embedding ADR in the workplace is not the subject of this paper, however, there is an emergent question about the relationship between early resolution of disputes and high performance. The ERA makes a link between ‘problem solving by mediation’ and ‘building productive relationships’ in its object, but empirical evidence of positive or negative relationships between those constructs remains anecdotal.

Claims of positive change due to individual ADR intervention has been common in professional ADR practitioner literature (Cloke, 2006; Cloke & Goldsmith, 2000a,b; Tillett & French, 2009; Bush & Folger, 2005; Bowling & Hoffman 2003; Winslade & Monk, 2008). There is an increasing focus on workplace dispute systems design (Ury et al., 1989; Constantino & Merchant, 1996; Donais, 2006; Bingham, 2012). However, systems, policies and processes for resolving workplace conflict early have proven difficult to compare and evaluate. Researchers (Felstiner, Abel & Sarat, 1981; Bingham

& Chatechere, 1999; Antes, Folger & Della Noce, 2001; Bingham, 2004), and mediators (Mayer, 2004; Bush & Folger, 2005) have articulated a gap in international research about the phases of emergence, transformation, resolution, settlement, or escalation from conflict to problems, grievance and dispute.

There has been a response to calls for empirical research that identifies dimensions comparison between interest based negotiation (Mayer 2004; Budd & Colvin, 2008) and transformative mediation (Bingham & Chatechere, 1999; Bingham, 2004). Bingham (2012) found that transformative processes were more effective for fostering perceptions of interpersonal justice between disputants, and that there was a need for more research on styles of mediation. International comparative research has been hindered by differences between internal and external dispute resolution systems, and those delivered through the private and public sectors as well as across federal or nation states and different legal and policy contexts (Walker, 2009; Bingham, 2004; Donais, 2006; Bingham & Chatechere, 1999; Fueille et al., 1992). Roche and Teague (2011) noted research on conflict management systems had predominantly focussed on internal systems design in large organisations (Bingham, 2004; Jameson, 2001; McDermott, 1995; Ewing, 1989; McCabe, 1988; Lewin, 1987). One dispute system design that has been extensively evaluated and reported by Bingham (2012) found that organisational context shaped how disputants responded to perceptions of justice in the REDRESS transformative mediation programme. While systems were embedded in the organisation, mediation was provided by external third party neutral independent, contract mediators in a highly unionised environment. A significant body of empirical work has followed the mediation of disputes in the US postal service REDRESS (Bingham, 1997; Bingham, Chessmore, Moon & Napoli, 2000; Bingham & Novac, 2001; Bingham & Pitts, 2002; Bingham, 2012). That body of research has investigated process, substance and outcome. It is seminal work that reports on actual mediated disputes, mediator training and the efficacy of a range of approaches to negotiation, mediation and early conflict resolution.

It is clear there is an international research gap on workplace conflict management, and the reasons are too methodologically complex to explain in this paper. Suffice to say that the power imbalance inherent in the employment relationship and principles of voluntary participation, confidentiality and without prejudice nature of ADR pose ethical and methodological problems for research design. Situational factors impact on real-time and longitudinal studies. There are serious ethical issues for researchers to consider. For those who seek to conduct interpretive field research, data collection could be harmful to both parties and the organisation. The researcher risks influencing the dispute and is vulnerable to accusations of breaches of confidentiality. Simulated experimental research design cannot replicate organisational context or spontaneous communication which often explains the interests in dispute. Access to organisations is problematic because institutions engage in ADR to protect the reputation of individuals and the organisation; they are unlikely to share data without rigorous conditions and requests for publication embargos. These issues have influenced the design of the PhD research reported in this paper. The next section explains that research.

Significance of conflict management in the education sector

During conceptualisation of the PhD project, conflict management in the education sector was in the spotlight. Workplace conflict and employment relationship problems were reported to be particularly vulnerable to escalation. In *Lewis v Howick Board of Trustees*. Colgan J, the Chief Employment Court Judge, claimed the management of ERPs required caution in regard to procedural legalism. Judge Colgan associated the instigation of formal legal processes by the board of trustees early in the dispute with escalation of conflict involving the whole school community. The commentary of the Judge in *Lewis* reflected earlier secondary research across industry sectors (Waldegrave, et al 2003; Wyse, 2006) which suggested some lawyers, parties and advocates favoured more adversarial

processes than mediation to resolve or settle employment relationship problems. Adversarial approaches to negotiation and conflict resolution are deemed to damage trust in relationships and create perceptions of procedural unfairness. *Lewis* provided questions for inquiry at the level of the sector, the workplace and the individual.

The sector operates in a highly unionised environment with a wide range of legislative requirements, regulations and processes for the delivery of education to New Zealand children. There are tensions related to the special interdependent relationship between governance by boards of trustees and their management of staff and the principal. The governance structure emerged from reforms in the education sector in 1989 where boards of trustees were established by the Tomorrow's Schools' policy under the Education Act 1989. Boards became the employer responsible for recruitment, discipline and dismissal. This governance/management structure treats the principal, who is also a member of the board of trustees, as an employee of the board in the same way the teaching staff are employees of the board of trustees. Each school's board of trustees is a democratically elected group of community representatives who usually have children attending the school. The research reported in this paper is concerned with the complex employment relationship between boards, principals, teachers and parents. Ethical considerations have included the safety of participants when gaining access to schools and conducting interviews with members of boards of trustees, principals and senior management teams. All parties to specific conflict episodes or ERPs were not interviewed because there was a potential risk of escalating conflict and subsequent harm when conducting interviews, given the power imbalance between employer and employee. Thus, one limitation of the research is that it only reports the management and governance perspectives on relational conflict and ERPs in the primary school workplace.

The research questions and design

The goal of the ongoing PhD research reported in this article is to build theory about the nature of employment relationship problems and how to manage conflict in the workplace. We wished to find out: what types of workplace conflict and employment relationship problems had been experienced; what organisational conflict and dispute resolution policies, processes and practices were implemented at the workplace level; how participants made sense of ongoing employment relationship problems; how conflict and ERPs had been resolved and why problems had been avoided, managed, escalated, resolved or settled.

Workplace conflict was conceptualised as defined by Roche and Teague (2011: 442):

Workplace conflict involves differences of view and conflict between individual employees and their employer; among individuals; and between groups of employees, whether unionised or not, and their employer. It is recognised that the management of workplace conflict can have beneficial effects for employers, employees and other stakeholders in the business.

A social constructivist approach was taken in this research because the study aimed to understand and describe how participants made sense of conflict episodes according to differing values and world views (Guba & Lincoln, 1994; Cooperrider & Barrett, 1990; Crotty, 2003; Cresswell & Plano-Clark, 2006; King & Horrocks, 2010). Studying the emergence and transformation of conflict events required studying the social process in which they occurred (Felstiner et al., 1981). Relational problems, conflicts, and disputes are social constructs, stories reflecting different understandings, negotiation strategies and styles of communication between individuals and groups. In the education sector, the interplay between pedagogical beliefs (theories of thinking, learning and teaching)

suggested that philosophical tensions and relational conflict could be common place in the negotiation of workplace relationships.

While the research process is inductive and iterative with data collection, analysis and application of extant literature occurring simultaneously, 33 qualitative semi-structured, face to face in-depth interviews were conducted during the summer and autumn of 2011-2012. Participants were asked to recount recent stories of conflict and or ERPs they had experienced. The interviews were digitally recorded and transcribed. There have been in excess of 200 conflict episodes or ERP cases recounted which were transcribed, read line by line, coded and tabulated by participant across types of episodes, the chronology of ongoing actions, social and organisational context, relationships, interests, issues, rights, management processes, cues to sense making, outcomes and relevance to extant literature. Memos of observational data about settings, processes, policies, communications and relationships within schools were noted directly following the interviews. From analysis of the coded, categorised and tabulated data four themes emerged. In the voices of the participants these are: 1) Building the emotional bank account: relational trust, 2) Power and percolating problems, 3) Quiet discontent: a culture of complaint, 4) Earning and learning through conflict.

Findings

This section reports one emergent theme, *Building the emotional bank account: relational trust*. For the purposes of this paper the (pseudonym) voices of participants from principals, team leaders and dispute resolvers provide exemplars that illustrate the theme of mutual trust building through collaborative interest-based problem solving. Following the discussion of favourable outcomes, where relationships have been strengthened and conflict resolved, the paper moves to a comparison with employment relationships that have been severed by negotiated exit packages. The importance of good faith processes for trust and the role of parental complaints in the escalation of employment relationship problems inform the final discussion.

Catherine, the principal of a fast growing urban school, recounted her management by walking about as one approach to building good faith and preventing escalation of conflict:

Every morning I walk around every class in the school and touch base with people and comment I mean I think that is a really, even though it is not directly related to conflict management, to me it's your building good will and trust so it's like your emotional bank account is quite full, so that when something comes up, or when you don't handle something quite as well or there's a conflict...I mean I'm thinking about potential conflicts between me and staff or me and parents, there is quite a bit of good faith coming to the table so I think that is a really important antecedent for keeping things at bay really.

Martin, a young male team leader, tells the story of his interest-based collaborative approach to managing a difficult team

I inherited a pretty septic team. The reason the septic culture had occurred was because there had been some relationship breakdowns. There had been a guy in my role who had played good cop bad cop with a woman co-leader; she was the one who had to make the hard calls. I wanted it to be more of a problem solving approach. If there is an issue then I go to the person and we talk about their story. For me it is about reassurance and giving people the confidence to know they are trusted enough as professionals that issues are not about them as a person.... my goal this year has been around creating trust in relationships. And um it's gone woosh it's amazing, when people feel safe people are engaged people feel empowered it's all about a

collaborative reflective process. I'm reporting comments that staff and management have made about my team...and that is... those... um are um the values and the relationships of practice which are very much evident in the way my team is now.

Tschannen-Moran and Hoy (2000) described interdependence in a trust relationship required benevolence, reliability, competence, honesty and openness. The advice Tschannen-Moran (2004) offered a principal was to walk the talk of modelling, reflective coaching, managing, negotiating and mediating. We found several examples of a similar approach. Lisa, a principal of 15 years, said:

Sometimes a staff member can feel really aggrieved by something – one example might be that two teachers go for the same job in a senior role and one ends up not getting it. So you have to have empathy for them and really work with that person. One staff member wrote me a letter and said “I feel this, this and this”- they said they couldn’t talk about it so we sat down; I had the letter in front of me and for the purposes of reflective coaching it was a talking document and the teacher remained on the staff.

Schuman (2005) focussed on consensus for building trust by allowing individuals to explain their reasoning and intent, focus on interests rather than positions, combine advocacy and inquiry, allow for discussing un-discussable issues, ensure that every person is heard, and promote authentic listening. When Thomas arrived as principal at a suburban decile 1 school, he said conflict and illegal behavior was “embedded throughout the culture of the school”:

I'd uncovered a huge amount of fraud within the school the DP was stealing money and resources and laptops, a whole range of things that'd been going on for yonks. At the board level we were re-envisioning the school and looking at the mission statement and the vision statement .The motto of the school was when I started, and had been since the school opened to “be honest”. So that used to make me laugh, all these rules they had “do not, do not”, their vision statement “be honest”, all the things they weren't doing. It took us a whole year to develop a new vision statement and our values and where we wanted to head. And I thought this is going to be a joke we're not going to get parents involved in this process compared to high decile schools. But it was the best experience I've ever had. Out of all my schools as a principal I had the most buy in and involvement here. It might have taken a lot of talking and a lot of time but it was unbelievable. It was amazing. They came to the focus group meetings and the conversations went on for ages ...and... they were such sad stories... “My older boy came to the school and principals and the teachers did not care” they were telling all these stories which seemed irrelevant to what we were doing now but it was good for them and fed into what we needed to become trusted.

One mediator found negotiation coaching contributed to the resolution of conflict. Redburn's (2009) case study research identified facilitation strategies of active listening and summarising skills were important in conflict and communication coaching. Sarah, a mediator, facilitated successful resolution in a complex employment relationship problem between a board member employed as a teacher aide and the classroom teacher:

While in the classroom an aide took direction from the teacher, the aide was not only an employee of the school but was on the board of trustees and a strong contributor to the local community in a number of roles. She was well educated and well informed about educational issues. The teacher was a relative ‘new comer’ to the community and not involved in as many local groups and committees as the aide. They made several complaints about each other. I met with both parties separately, twice each for about an hour per session. We then met all together for a joint session during which the participants made commitments to each other about their future behaviour which were further negotiated and confirmed by email. The first

individual session was an opportunity to get to know the participants and the problem. The second joint session was an opportunity to 'coach' the participants in active listening for the final 'joint' session. The relationship improved and both parties remained employed.

While the above exemplars illustrate resolution of issues and good faith behaviour to protect ongoing relationships, positive outcomes were not reported where parents had filed formal complaints about teacher competency that led to negotiation or termination of the teacher's employment. This was identified as a trend common to all participant data sets, by principals and senior team leaders, dispute resolvers, education experts and leaders of interest groups. Peter is a principal in an urban area experiencing fast gentrification in a decile 8 school. He understood the confidential settlement negotiation process as one of face saving:

We had six parents come in and complain about one teacher they had a meeting to see me about the reports because they thought they weren't accurate and they didn't know where their kids were at. We did have in-class support going on for the teacher concerned so we were already in the process before they came in....so we were moving down toward competency, but when the six came in, the board chair had a word to the union and said look this is going to go really badly, but we can come to some sort of negotiated or mediated agreement and well this is what we're prepared to offer, and so...everybody saved face. Everybody saves face...everybody has dignity. It's about everyone having dignity.

Lawyers and mediators consistently commented that this settlement approach was common. An employment lawyer described it as a systemic problem:

Within the education sector there is a strong kind of settlement culture of, if there's a problem you pay something and the teacher moves on. There is not a strong culture of actually addressing problems in the workplace, so there is a sense that you pay someone some money and they go. They get a settlement and also there is a sense that if you do things quickly the Teachers Council need not become involved and if things get defensive that's sometimes used to put pressure on people to settle.

Principals in fast growing urban schools observed they had begun to experience more parental complaints which they believed were influenced by demographic factors. Lisa, a principal in a decile 10 school, said:

I mean if I compare complaints and problems to when I worked in a low decile school, parents are scared stiff of the teachers in a really big way, they think we are godly things, you know that aren't to be taken on. Decile 10 is the whole other end of the spectrum. You'll get taken on over every little wee thing.

The observation above was common and several principals in urban areas claimed evidence that gentrification and an influx of professionals in the community corresponded with a rise in parental complaints about teacher competency and performance. These issues are the subject of further investigation in the third theme; 'quiet discontent: a culture of complaint' where the relationship between formal complaints, the appointment of lawyers, notification of potential employment problems to insurers, legalism and escalation of disputes are analysed.

Discussion

Collaborative, interest-based conflict management in schools has a logical relationship to relational trust. Deposits in the ‘emotional bank account’ may be implicit in the psychological contract between boards of trustees, principals and teachers, but explicit in the objectives of the ERA. While positive outcomes from interest-based processes are highlighted here, there were also inconsistencies. These preliminary findings indicate the objectives of the ERA to build productive relationships through good faith behaviour and promote mutual trust can be met in situations where an explicit problem solving approach is embraced by colleagues. However, the interviews demonstrate risks and barriers when formal complaints escalate problems.

Employment relationships were strengthened by the interest-based, collaborative, empathetic, reflective processes that Catherine, Martin, Mary, Sarah and Thomas implemented. On the other hand, during bargaining of exit packages between the union and chair of the board of trustees at Peter’s school, good faith processes were not apparent. If parental complaints increase pressure on boards of trustees before competency and performance processes have concluded, this raises important questions for this research. How can teachers have trust in their employers if there is a culture of settlement, a taken for granted assumption that parental complaints risk severance? When teachers have lost their job at one school and move to another school, are issues of professional development resolved? Is there repetition of the alleged competency and performance problems in the next school?

The findings here illustrated the importance of good faith processes. It is notable that a discourse of *complaints* not *problems* featured strongly in conflict events reported by the participants. This infers workplace dispute resolution is understood as a process for discerning fault rather than a process of mutual problem solving. The good news is trust building through problem solving strengthened the psychological contract in the cases of Catherine, Sarah, Lisa and Martin. We assert that negotiating the psychological contract is an ongoing complex process of building trust in the employment relationship. We claim Catherine’s metaphor “building the emotional bank account” reflects our conceptualisation of strengthening the “psychological contract” and the goals of the ERA 2000, for “good faith behaviour” to “build mutual trust and confidence in all aspects of the employment environment and the employment relationship”.

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