

“CHASING RAINBOWS”: CHALLENGING WORKPLACE BULLYING IN AUSTRALIA AND THE UNITED STATES

ANGIE NG

University of Sydney, Australia

ABSTRACT

This article examines the development of public policies against workplace bullying in Australia and the United States. It is useful to compare the United States and Australia since these two countries both possess federal systems and they have similar economies, cultures, and historical traditions. By using the “most similar systems” approach to comparative policy analysis, the article seeks to understand why Australia has been ahead of the United States by comparing existing legislation and the role of change agents in the employment relationship. Finally, the article proposes three approaches to tackling workplace bullying in the United States. Although the antibullying actors in both countries have made some progress toward challenging workplace bullying, progress in passing antibullying legislation is like “chasing rainbows,” due to strong opposition from employers.

INTRODUCTION

Workplace bullying has become an increasingly important area of debate over the past few decades, and the body of research on this subject is growing rapidly in Europe, as well as in English-speaking countries such as Australia and the United States. According to Harvey et al. (2006: 1), “The unfortunate reality is that bullying is moving from the playground of our childhood, to the offices and boardrooms of our adult business arenas.” In the United States, 50% of all

Americans have directly experienced workplace bullying, with 35% of the U.S. workforce reporting that they have been bullied and 15% reporting that they have witnessed bullying at work (Workplace Bullying Institute, 2010). It has been demonstrated that bullied employees are more likely to leave their jobs, and their psychological injuries may lead to long-term unemployment, which will certainly impose a burden on society at large.

Discussion of the issue of harassment at work began in 1976. Carroll Brodsky, a U.S. psychiatrist, is a pioneer in the field, who described bullying in his book *The Harassed Worker*, which stated that “harassment behavior involves repeated and persistent attempts by a person to torment, wear down, frustrate, or get a reaction from another person” (Brodsky, 1976: 2). The dimension of persistent and repeated negative acts is widely included in current bullying definitions. But Brodsky’s work generated very little interest at the time, and his work was rediscovered only many years later by Scandinavian researchers. These researchers looked into childhood bullying (Olweus, 1993) and then adult workplace bullying (Einarsen, Raknes, & Matthiesen, 1994; Leymann, 1990). Heinz Leymann pioneered the field of workplace bullying, and he opened a work trauma clinic in Sweden in the 1980s. He introduced the term “mobbing” in 1986. Leymann’s work generated a lot of attention, and he was followed by other Scandinavian academics (Zapf, 1999). Interest in workplace bullying has continued to grow since the 1990s; international debate has been generated and research literature on the topic has proliferated.

The term “workplace bullying” may have been used differently at various times, but the issue of unfair treatment within the employment relationship remains unchanged. Bullying at work has traditionally been one of the methods used by employers and fellow employees to discourage deviance. Historically, the method used by foremen to increase workers’ productivity was known as the “drive system.” This can be defined as “the policy of obtaining efficiency not by rewarding merit, not by seeking to interest men in their work, but by putting pressure on them to turn out a large output” (Jacoby, 1985: 20–21). The driving method of supervision involves closely monitoring workers’ performance and strictly regulating their behavior in order to increase production volume. For instance, in the Australian steel industry, it was common for foremen to yell at workers and to use a combination of bullying and authoritarian rule to maximize work output (Wright, 1995). Employers found that the “foreman-in-charge” method and the drive system were cost-effective ways to increase workers’ productivity. The origin of the drive system in the workplace was probably related to the absence of personnel departments before the First World War (Jacoby, 1985; Kaufman, 1993). But even though there are now specialists in human resource departments with comprehensive policies to deal with sophisticated workplace issues, bullying activities have not diminished. This demonstrates that regardless of the timeframe, a culture such as the drive system breeds bullying behaviours.

This article seeks to understand why Australia has made more progress than the United States on antibullying initiatives. The article uses the comparative method, examining existing legislation and the role of antibullying actors in the employment relationship. The differences between the two countries' labor laws will be examined first, then the role of the state in influencing policy change, and then the unions' involvement in antibullying activities. Emphasis is also given to the level of involvement of business groups, labor, and government in the occupational and health and safety (OH&S) regulations in the two countries. The two countries' employment structures and the role of employers in the change process are explored. The article concludes with suggestions on how to address the issue of workplace bullying.

METHODS

This research uses the “most similar systems” approach to comparative policy analysis. This design utilizes “systems as similar as possible with respect to as many features as possible to constitute the optimal samples for comparative inquiry” (Przeworski & Teune, 1970: 32). For instance, it is useful to compare Anglo-Saxon countries such as Australia and the United States since they have similar economies, cultures, and historical traditions, and the legal systems of both countries are historically grounded in common law. Other similarities include the following: the two countries are both federated nations, they were “born outside of feudal heritage,” and they also share a common language and a liberal democratic political system (Churchward, 1953: 119). The “most similar systems” approach utilizes the “maximum” strategy, examining each country's policy in detail, finding subtle factors that explain similarities and differences between the countries, and identifying the influence of actors' orientations within those countries. A comparative approach can also provide a solid basis on which to assess the policy consequences of political institutions and highlight the influence of government in shaping public policy. This may enhance concept development and generalizations in policy making. Through comparison, typologies can be drawn up for how Australia and the United States deal with the issue of bullying, which enhance adaptation of good practices for other societies (Banting & Corbett, 2002; Bendix, 1963, Przeworski & Teune, 1970, Scharpf, 2000). By gaining insights from a comparative perspective, we can learn why bullying occurs in employment relations, and how employment issues are linked to broader social values and ideologies.

The article draws mainly on previously published material, together with some primary sources, and it seeks to examine why Australia has been ahead of the United States by comparing existing legislation and the role of change agents in the employment relationship. The timeframe of data collection was from November 2009 to September 2010. The primary resources utilized include semistructured interviews with the author of the Healthy Workplace Bill in the

United States, Professor David Yamada; the director of the Working Women Centre in South Australia, Sandra Dunn; and advisor to Beyond Bullying Australia, Dr. Carlo Caponecchia. In addition to the interviews, other primary sources include government reports, union reports, and newspapers. The secondary sources include books and journal articles.

AUSTRALIA AND THE UNITED STATES COMPARED

Existing Legislation

In Australia, there is currently no specific legislation to protect against workplace bullying except in South Australia (SA), and the issue of workplace bullying is considered to be an occupational and health and safety (OH&S) hazard. Under OH&S legislation, employers have a duty to take all reasonable care to provide a safe and healthy environment for employees. In 2005, SA led the country by amending its workplace safety law in the Occupational Health, Safety and Welfare Act 1986, to include bullying among the workplace behaviors covered by an employer's duty of care to its employees. Failure to comply can lead to prosecution and fines. In addition to OH&S law, other laws making employers liable for workplace bullying include antidiscrimination law, workers' compensation law, industrial relations law, and common law. Overall, while this range of laws can make employers accountable for their actions, each type of legislation has its own weaknesses. For example, one problem with OH&S legislation is that it punishes perpetrators but does not compensate victims, while antidiscrimination law is not enforceable if issues of racial and sexual harassment are not specifically relevant to the bullying situation. Similarly, workers' compensation law is often very limited in scope (Catanzariti, 2006; Catanzariti & Byrnes, 2006).

The problem with the existing OH&S regulations is that there are inconsistencies between the various states and territories, since the enactment and enforcement of OH&S laws is largely a state responsibility, although federal OH&S laws do exist (Quinlan, 2007). With the introduction of the harmonization of OH&S regulations in Australia, the fragmented regulatory framework across differing systems will be changed. The new Model Work Health and Safety Bill (Model Legislation) will come into force on January 1, 2012; this law is intended to provide a simpler system and to move toward uniform health and safety law in the various states and territories in the Commonwealth (Brown et al., 2008). However, the workplace bullying issue has not been specifically mentioned in the Model Legislation (Caponecchia & Wyatt, 2011).

There are no U.S. states that have a legislative definition of workplace bullying similar to that of SA. In SA, workplace bullying definition is included in section 55A(1) of the *Occupational Health, Safety and Welfare Act 1986*, "Workplace bullying means any behaviour that is repeated, systematic and directed toward

an employee or group of employees that a reasonable person, having regard to the circumstances, would expect to victimise, humiliate, undermine or threaten and which creates a risk to health and safety.” Although there is no specific legislation at the federal or state levels providing recourse for victims of workplace bullying in the United States, there are various existing employment laws that can provide a legal response to workplace bullying; these include those dealing with intentional infliction of emotional distress (IIED) and intentional interference with the employment relationship, discrimination law, and occupational safety and health law. Within existing employment law, the tort claim of IIED is appropriate as a means of protection against workplace bullying; however, the court requires a complaint about extreme and outrageous behavior to justify the bullying claims. Apart from IIED, the federal Occupational Safety and Health (OSH) Act of 1970 is a promising source of legal protection for bullied employees, but the OSH Act is primarily focused on the prevention of physical injuries. Thus, existing laws in the United States fail to provide adequate relief to severely bullied employees (Yamada, 2004, 2010a).

The Role of Traditional Actors

Policy change can be initiated by the traditional actors—the state, trade unions, and employers—and these actors play a key role in the employment relationship (Patmore, 2002). Australia and the United States operate under very different labor law regimes. The major difference between the two countries’ labor law systems is that in Australia, unions can represent individual workers without a majority vote being needed for unions to gain representative rights in the workplace. In contrast, in the United States, a majority vote in a workplace ballot is needed in order for the union to be allowed to represent the workers. For example, an Australian employee being bullied at work could join a union and the union would fight for his/her rights, even if nobody else in the same company joined that union. On the hand, an American employee and union member being bullied at work would not have the same protection unless the majority of his/her coworkers had also chosen to join the same union. Due to these differences between the two countries’ labor relations systems, workers have greater recourse to unions in representing their grievances in the Australian workplace than in the United States.

Despite the advantages enjoyed by Australian workers, however, the role of trade unions in Australia has weakened, and the workplace rights system changed in favor of the employer after 1996. Before 1996, under Australia’s Labor government, trade unions were a fundamental aspect of the Australian system of compulsory arbitration; this framework allowed unions to give voice to Australian workers, as well as providing unions with a major role in the determination of legally binding awards (a form of social contract) in relation to wages and working conditions. Workplace rights were, however, weakened due to the restructuring

that took place between 1996 and 2007, which was led by John Howard's conservative coalition government. Under the Howard government, workplace change supported antiunionism and promoted the unilateral actions of employers. With the introduction of the Australian Workplace Agreement, which promotes individual agreements between employees and employers under the Workplace Relations Act 1996 (Commonwealth), unions' organizing power was undermined. The next push by the Howard government, the Workplace Relations Amendment of Work Choices Act 2005, further devalued the unions' position and enabled employers to bypass unions by emphasizing individual contracts and nonunion collective agreements in Australian labor law (Cooper & Ellem, 2008; Patmore, 2006). Although the new Labor government led by Julia Gillard has softened the workplace relations policy of the Howard government, there has been no return to the old compulsory arbitration system, which favored unions.

The pace of antibullying initiatives is influenced by the political culture and economic conditions. Labor relations in the United States can be seen as antagonistic due to that country's political culture. The antagonistic approach in the United States is reflected in the recent struggle over the public sector's bargaining rights in Wisconsin. Since, in 1959, Wisconsin was the first state to give collective bargaining rights to its public employees, it would seem very unlikely that Wisconsin would limit collective bargaining. Nevertheless, in March 2011, Governor Scott Walker signed legislation to end the collective bargaining rights of most public employees in the state, although tens of thousands of protesters outside the capitol building rallied against it (Spicuzza & Barbour, 2011; Tumulty, 2011). In recent times, due to the poor performance of the U.S. economy compared to the strong economy in Australia, U.S. unions have been more preoccupied with making concessions and saving jobs than dealing with workplace bullying.

In addition to differences in labor laws, differences in the role of the state may influence antibullying policy development. Australia has three major political parties: the Australian Labor Party (ALP), the Liberal Party, and the National Party. The Liberals and National Party members generally form an anti-Labor coalition. The United States has a two-party system, featuring the Democratic Party and the Republican Party. In contrast to Australia, there is no labor party in the United States. This is a major difference, because the ALP was one of the earliest labor parties in the world and is one of the most electorally powerful. It is dependent on the trade unions and has always maintained a close relationship with them. In the United States, despite a substantial effort to establish a labor party in the early 1890s, the rejection of labor party politics became firmly entrenched due to strong opposition by the president of the American Federation of Labor (AFL), Samuel Gompers. The AFL rejected party politics and remains a simple unionist organization, whereas the ALP has operated in all states and at the federal level since 1901 (Albinski, 1973, Archer, 2007; Patmore, 2009).

Although there are issues on which Labor governments do not agree with unions and even side with employers, as, for example, in the debates on

amendments to workers compensation legislation in New South Wales in 2001, the Labor Party is generally far more sympathetic to union demands than non-Labor (Dodkin, 2003; Thornthwaite & Sheldon, 2002). The presence of a labor party in Australia with a close relationship with unions has created a favorable political climate for the promotion of policy change; this explains why the Australian Council of Trade Unions (ACTU) has generated more organized anti-workplace bullying campaigns than the American Federation of Labor and the Congress of Industrial Organizations (AFL-CIO). It can be demonstrated that the Australian unions cared about bullying earlier than their American counterparts.

In Australia, before 1997, the campaigns organized by the OH&S unit of the ACTU—the umbrella union representing the Australian workforce—were focused on dealing with physical hazards. They ran campaigns against unsafe chemicals in the workplace in 1995 and against unsafe plant and machinery in the workplace in 1996. The ACTU campaigns gradually shifted from physical hazards to psychological hazards during the 1990s, due to an increasing number of work stress claims. This led to a national survey on stress at work that was initiated by the National Occupational Health and Safety Commission. The commission brought the issue of workplace bullying to the attention of the Australian trade union movement. The ACTU OH&S unit with its affiliated unions organized a national survey on stress at work in 1997. The survey generated an overwhelming response with over 10,000 responses; another 2,200 were received by the New South Wales Public Service Association. The majority of people who participated in the survey answered every question, and some even wrote lengthy notes attached to the survey to express their concerns on the issue (ACTU, 1997).

In 2000, another campaign, “Being Bossed Around Is Bad for Your Health,” was specifically targeted against workplace bullying, with the aim of raising awareness in the community that bullying is a serious health and safety hazard (ACTU, 2000). In 2005, the ACTU set up a bullying hotline, which is a national service allowing workers to voice their concerns on the issue of workplace bullying. Trained consultants provide advice to callers (Stop a Bully Hotline, 2005). Hence, the ACTU has adopted a comprehensive approach to raising awareness of the workplace bullying issue and has shown interest in the issue since 1997.

In the United States, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), the umbrella organization for the U.S. unions, organized the first “My Bad Boss” contest in 2006, and organized a further contest in 2007. These initiatives came much later than those of the ACTU. The two online “Bad Boss” contests were sponsored by Working America, an advocacy group with 1.6 million members affiliated to the AFL-CIO. The objectives of the contests were to raise issues about bad bosses and provide a platform for workers to express their concerns about their bosses’ misconduct. Both the 2006 and 2007 contests accepted entries for the worst boss in the

country and the prize for the “Most Outrageous” bad boss story was a one-week vacation (Selvin, 2007; Srivastava, 2006). Although the contests generated considerable media interest, the AFL-CIO has not formally linked the contests to the legislative campaign organized by the Workplace Bullying Institute (the only nongovernmental organization in the United States that has undertaken legislative advocacy on the issue of workplace bullying). Thus, it can be seen that the effort targeted specifically to the raising of public awareness of workplace bullying has been weaker in the AFL-CIO than in the ACTU.

The Australian unions are more proactive in putting an antibullying provision into collective agreements than are the U.S. unions. In Australia, there are 90 enterprise bargaining agreements that include an antibullying provision. Among these agreements, the University of Queensland Union and the Liquor Hospitality and Miscellaneous Workers Union have used the best-practice models and have incorporated antibullying measures into an enterprise bargaining agreement (Hanley, 2003; McCarthy et al., 2001). In contrast, in the United States, it was only in 2009 that the Massachusetts public employee unions joined with the Service Employees International Union (SEIU) and the National Association of Government Employees (NAGE) to produce the first major American collective bargaining agreement to include the “mutual respect” provision to protect employees against bullying at work. The Massachusetts SEIU/NAGE also provided ongoing support to the legislative campaign associated with the Workplace Bullying Institute and the Massachusetts Healthy Workplace Bill (Yamada, 2010a).

Another difference between Australia and the United States is in the level of involvement of business groups and organized labor in the regulatory process. A consensus approach is adopted in the Australian regulatory framework. This procedure involves employers’ associations, unions, and interest groups representing their interests to governments on the tripartite commissions responsible for regulatory reforms on health and safety issues. The tripartite structure is good. The participation of unions can help workers. Having business groups participate is helpful because it legitimates the involvement of unions. In the United States, on the other hand, there is no requirement for a consensus to be reached between these parties before a rule is promulgated by the Occupational Safety Health Administration (OSHA). There is also no obligation for U.S. legislation to establish bipartite workplace safety committees, or to provide workplace health and safety representatives as in Australian law (Australian Industry Commission, 1995; Clark, 1999). Thus, there is greater involvement of business groups, labor, and government in OH&S regulation in Australia than in the United States.

Employment structure is another factor that impacts the pace of policy development. The notion of “at-will” employment is allowed in the American labor market, whereas this concept does not apply in Australia. “At-will” employment enables employers to fire employees without giving them any notice or explanation, which puts employees at a disadvantage. States such as Pennsylvania have

recognized the prevalence of workplace bullying, but they still have “at-will” employment, which permits bullying through threats of dismissal (Harthill, 2008; Simon & Simon, 2006). In Australia, although there is no specific provision dealing with bullying in the Fair Work Act 2009 (Commonwealth), an employee may be entitled to make a claim under the unfair dismissal provisions in the act if she/he is dismissed as a result of bullying (Fair Work Australia, 2010). The slow policy change process in the United States can be attributed in part to its distinctively legalistic employment structure.

Despite the differences in employment structures between the United States and Australia, the role of employers has played a significant part in both countries in opposing antibullying initiatives. Resistance from employers in both countries causes delays in policy development. In Australia, in response to a bullying guide introduced by WorkCover in New South Wales, Garry Brack, CEO of Employers First, stated: “It’s the legal system going berserk and constraining human relations so businesses can’t function. Many aspects of human interaction will drop into the net of bullying” (Quinlan, 2007: 395–396). Employer response is similar in the United States: the U.S. Chamber of Commerce did not support the Healthy Workplace Bill, describing it as a “killer bill” (McMahon & Copland, 2010). With employer associations strongly opposing antibullying initiatives, legislating against workplace bullying in both Australia and the United States is a slow process.

It is clear that an understanding of the perspectives of traditional actors—especially the state and the trade unions—in the employment relationship helps to explain why Australia has made more progress than the United States. Other factors, including the labor law system, the level of stakeholder involvement in the regulatory framework, and the employment structure, can also support or hinder the change process. Approaching the problem of workplace bullying from the perspective of the traditional actors tells only part of the story, however; it is also important to look at the role of the nontraditional actors in the change process.

The Role of Nontraditional Actors

In addition to traditional actors, nontraditional actors can also initiate policy change. Nontraditional actors include pressure groups, feminist groups, the press, and social organizations (Patmore, 2002). An emerging area in driving for change is that of the social media, which are increasingly important in mobilizing change. In the United States, grassroots pressure groups have a major impact on the initiation of antibullying activities. Drs. Gary Namie and Ruth Namie were pioneers in the U.S. anti-workplace bullying movement: they founded the Workplace Bullying Institute in 1998 and then set up its legislative advocacy arm to advocate policy change. Another significant advocate is David Yamada, who is a leading authority on the legal implications of workplace bullying.

Professor Yamada argued for a new status-blind harassment law, and he drafted the model legislation called the Healthy Workplace Bill. Yamada stated that “working with the labor movement has been a slow gradual process of education” and that the AFL-CIO “have not linked [the] bad boss contest specifically to the legislative advocacy for workplace bullying. I would love to see their support on this.” The Workplace Bullying Institute—Legislative Campaign also organized a group of volunteer state coordinators to convince legislators, unions, and the public to support the Healthy Workplace Bill. These advocates have used the social media extensively in organizing support for antibullying activities including legislative advocacy and communicating with their supporters. With the aid of their consistent lobbying efforts, the Healthy Workplace Bill has been introduced in 17 states since 2003; however, no law has been passed yet (Namie, Namie, & Lutgen-Sandvik, 2010; Yamada, 2010b).

In Australia, the first nontraditional actor to initiate an anti-workplace bullying movement was the Beyond Bullying Association (BBA) in Queensland. BBA was formed in 1993 by a small group of academics, a clinical psychologist, and a psychiatrist who were interested in bullying behavior and the impact of this behavior on society. Their movement was founded five years earlier than its counterpart in the United States. BBA’s major contribution involved the development of the *Guide to Bullying at Work*, which served as a step toward industry self-regulation within the workplace (Sheehan, Barker, & Rayner, 1999).

Unlike the Workplace Bullying Institute in the United States, the BBA has been disbanded. A small group of academics in New South Wales formed another association, titled Beyond Bullying, in 2005. This is currently the major online resource in Australia providing workplace bullying information on its Web site, www.beyondbullying.com.au (Beyond Bullying, 2009). Beyond Bullying’s main initiatives are not necessarily aimed at influencing government leaders in order to encourage them to change policy; as Dr. Caponecchia—advisor to Beyond Bullying—said, “advocacy does not necessarily mean going to [the] parliamentary house.” Researching and publishing in this area and educating the public can also attract media attention.

Another nontraditional actor initiating policy change is the Working Women Centre in SA. As stated by Sandra Dunn, director of the center, it is one of the agencies that recommended the definition of workplace bullying—“inappropriate behaviour towards an employee”—that was included in Section 55A of the SA Occupational Health, Safety and Welfare Act 1986. The Queensland Working Women Centre was also heavily involved with the state government in the conduct of research and the development of guidelines such as the Industry Code of Conduct on Workplace Bullying (Rafferty, 2002). In summary, when it comes to nontraditional actors’ involvement in legislative movement, it can be seen that those in the United States have made a coordinated effort to introduce the Healthy Workplace Bill at the national level, whereas no similar single institution is available to coordinate all of the legislative campaigns in Australia. However,

although the efforts of nontraditional actors in Australia are more focused on raising awareness at the state level, their voice has a stronger presence in the regulatory framework, especially in SA, than that of their U.S. counterparts (Ng, 2010).

Exploring both countries' policy changes brought about by traditional and nontraditional actors reveals no consistent pattern across countries in the roles of nontraditional actors, unlike the very consistent pattern across countries in the roles of labor unions, where the Australians are always first and more effective. The Australian nontraditional actors have been more successful but less persistent, as shown by the fact that the BBA was disbanded. The American nontraditional actors are trying to change laws but have been less successful. The fact that the grassroots lack a “voice” in the regulatory process in the United States could help to explain the delay in regulating workplace bullying there. Hence, a comparison of nontraditional actors, unlike traditional actors, does not show a clear pattern across countries.

CONCLUSION

This article is intended to broaden the debate about public policy change by comparing anti-workplace bullying initiatives in Australia with those in the United States. The article began with a discussion of workplace bullying in the international context. It then explained why the United States lags behind Australia, comparing existing legislation, the role of both countries' anti-bullying actors, their industrial relations systems, and their employment structures. This provides a starting point for future public policy debates. The article concludes by suggesting three approaches that are currently used in Australia to address the issue of workplace bullying and that could be of assistance in the US context. These approaches include developing employer/employee guidelines/codes of practice and providing specialist training to inspectors on psychosocial issues; adopting the concept of an interagency roundtable on workplace bullying; and seeking political lobbying opportunities.

Developing measures to prevent workplace bullying can be an effective way to stop bullying from happening in the first place. The government can first intervene by persuading businesses to use guidelines/codes of practice to prevent bullying activities. Guidance materials and codes of practice have been produced in Australia under the occupational health and safety law to educate employers about the psychosocial hazards of bullying, although most of the material is for guidance only. It is up to a company to comply with guidance materials and codes of practice, and these carry less weight than legislation, thus opening up the possibility of exploitation. That said, they can serve as guiding principles for employers and employees to follow (Johnston, Quinlan, & McNamara, 2011). For instance, WorkSafe Victoria has developed guidance material on the prevention of bullying and violence at work that explains how to avoid the risk of

bullying and clearly states that bullying comes within the scope of the OH&S law (WorkSafe Victoria, 2005).

In addition, Workplace Health and Safety Queensland has adopted the Prevention of Workplace Harassment Code of Practice 2004, which “provides practical advice about ways to prevent or control exposure to the risk of death, injury or illness created by workplace harassment” (Workplace Health and Safety Queensland, 2004). Agencies such as OSHA and the National Institute for Occupational Safety and Health in the United States could develop similar guidance materials/codes of practice to assist employers and workers to prevent bullying activities.

Training safety inspectors on psychosocial issues is a related initiative that can be of assistance in tackling workplace bullying. In Australia, the psychosocial inspectorate is trying to emphasize areas such as workplace harassment, occupational stress, fatigue, safety culture, and safety behavior. Specifically, designated inspectors are trained to deal with complex bullying and harassment claims (Johnston et al., 2011). The fact that the Australian OH&S statutes give inspectors the power to enter workplaces, collect evidence, interview workers, and initiate prosecutions can be seen as a means of addressing the issue of bullying. For instance, in Queensland, inspectors specializing in psychosocial issues have the authority to provide advice and conduct investigations on the issue of workplace bullying (Quinlan, 2007). This empowers the psychosocially trained inspectors to deal with bullying complaints, an approach that might be useful in the American workplace.

Adopting the concept of an interagency roundtable is the second approach to resolving the issue of bullying at work. The notion of using interagency roundtables involves collaboration and interaction between different agencies. This creates dialogue and draws on the experience not only of government agencies but also of business and labor organizations in order to achieve the objectives of reducing bullying activities and protecting workers' rights. This mega agency concept has been used in SA. In SA, the Interagency Roundtable on Workplace Bullying launched employer and employee guidelines and a Web site in December 2005 and drew on the experience of nongovernment and government agencies that are working together to stop bullying at work. The agencies represented in the roundtable include Equal Opportunity Commission, Industrial Relations Commission, Traineeship and Apprenticeship Services, Working Women's Centre, WorkCover, SafeWork, Office of the Employee Ombudsman, unions, and business groups. The role of these agencies is to provide advocacy, information, and advice, and, if necessary, to investigate workplace bullying (Stop Bullying in South Australia, 2009).

With so many agencies participating in the roundtable, the model may lead to problems in navigation and create bureaucracy among agencies. Despite the shortcomings of the model, though, the roundtable defines each agency's role in regard to workplace bullying and aims to ensure consistency in referral processes

between agencies. Although there are cases still waiting to be tested, the government is expecting positive outcomes. But although the idea of a mega agency can serve as a model, it is unlikely to be transferable into the United States context without some modification, since collaboration between organizations such as business groups and unions in a roundtable would be problematic given that management antiunionism in the United States is much stronger than in Australia.

Given that guidelines/codes of practice are not legally enforceable, that specialized psychosocially trained inspectors require resources, and that the concept of an interagency roundtable can serve only as a model, the U.S. government could instead use a regulatory strategy to punish employers and enforce certain requirements in order to achieve compliance. In addition, political lobbying is necessary unless American unions start their own political party. If American unions are not going to do this, they should seek changes in the law so that they can represent individual workers as unions do in Australia. While individual representation may undermine unions, unions still have an interest in representing individuals; efforts by unions to represent their members may increase membership and demonstrate the unions' relevance in the industrial system. Individual representation does not have primacy over union representation, as an individual may choose union representation due to union expertise.

Whatever the differences between Australia and the United States, this article reveals that traditional actors, especially unions, have been most influential in effecting change, and that if the American labor relations system could be modified to increase its similarity to the Australian labor relations system, there could be an increased likelihood of antibullying legislation. Although the antibullying actors in both countries have made some progress toward raising awareness of bullying at work, both countries have a long way to go in passing antibullying legislation. This is due to the traditional culture of power imbalance in the employment relationship and to employer hostility to change. Thus, pursuing the enactment of a specific anti-workplace bullying law is like “chasing rainbows”—it can only be seen as an ideal.

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Direct reprint requests to:

Angie Ng
Work and Organisational Studies
Room N334
H03 – Institute Building
The University of Sydney
NSW 2006 Australia
e-mail: anng0418@uni.sydney.edu.au