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Claims of “bullying” have become a fashionable element in the working environment of late, partly a result of the reductive framework placed around interpersonal difficulties by commentators such as Andrea Needham in her book on workplace bullying.

This is unhelpful on a number of levels and, contributing to this negative approach to addressing workplace disfunction and conflict, is the notion that it is inappropriate to encourage (or indeed, ever allow) mediation to be used in cases where bullying is raised as an issue.

It is useful to compare this with the work of Professor Kenneth Cloke. Cloke talks not of victims and villains but of the opportunities for growth created by interpersonal conflict. “Taking responsibility for our conflicts” he says “extends not only to our acts and omissions but also to those the other person executes in response. When we accept responsibility for what we have contributed to the conflict, they are encouraged to do the same. When both parties accept responsibility, impasse begins to disappear”.

This paper will examine the competing approaches to interpreting and addressing allegations of improper use of personal or structural power in the workplace. In doing so, it will take a stand against “bullied/bullying” terminology and recommend a wider endorsement of mediation as an option of choice.

Finally, it will pay particular attention to the recent Employment Court judgment in Clear v Waikato District Health Board AC 49/08 and provide a case study of the situation leading to the decision therein.