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MAS

Friday, June 9, 2017

16:00 - 16:20 Workplace Harassment and Bullying



1. Workplace harassment & bullying
2. Performance appraisals & staff training
3. Managing sick or injured staff members

The three topics covered in this session

1. Workplace harassment & bullying
 - your obligations
 - handling a complaint.
2. Performance appraisals & staff training
 - update on current trends
 - making them meaningful.
3. Managing sick or injured staff members

Workplace harassment & bullying - your obligations

- Health and Safety at Work Act 2015
 - requires employers to provide employees with a safe working environment doing everything they can reasonably and practicably do, to prevent employees suffering harm while they are at work.
- Employment Relations Act 2000
 - duty of good faith obligation to promote mutual trust and confidence, to be responsive and communicative.
- Human Rights Act 1993
 - Sexual or racial harassment constitute serious misconduct under the Human Rights Act and the Employment Relations Act.

Prevention

- Having zero tolerance anti harassment/bullying policies in place and ensuring compliance
- Intervening when it occurs
- Provide training
- Take any complaints seriously

Harassment and Workplace Bullying Policy

Purpose: To ensure a safe and secure workplace environment for the employees and other workers of XYZ Medical Centre.

Parties: [List]

Definition:

Harassment can be any form of attention which you do not invite, and which persists to the point of

Content:

XYZ Medical Centre expects all employees and other workers to act in a professional and courteous manner towards each other, and to patient and visitors to the practice.

XYZ Medical Centre will not tolerate

If you are aware of someone being harassed or bullied

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If you are being harassed or bullied

Handling a complaint

- If you have employment disputes cover notify your insurer
- Follow your workplace harassment and bullying policy
- Get the full story from the complainant and document it well
- Consider:
 - Is it a one off?
 - Does it fit WorkSafe NZ's description for bullying?
 - Is there anyone else involved?
 - Who else should be interviewed?
 - What else do you need to know before you decide what to do?
 - At what point the H&S officer and decision maker should be involved in the process.

Investigate

- Inform the harasser of the allegations allowing them the opportunity to respond
- Be timely
- Interview any witnesses
- You may need to interview the complainant again
- Keep them informed of progress
- Consider any support they may need
- Consider all the evidence, get advice
- See WorkSafe NZ's Bullying Prevention Toolbox at www.worksafe.govt.nz

Dear [name]

We have received a patient/staff complaint regarding your behaviour that we would like to discuss with you.

Full details of the staff complaint are attached. Although the patient/employee has not requested a specific outcome for their complaint they have stated that they felt [describe how the complaint felt].

[detail any other observations re the complaint that may be relevant]

[Name] and I would like to meet with you [date, time, venue] to discuss this complaint and hear your response. This is not a disciplinary meeting but you may seek advice and bring a support person or representative if you wish.

Depending on your responses we may clarify our expectations regarding [complaint issue e.g. communications with patients/staff], or implement a performance improvement plan. This may include addressing any training requirements or other needs that are identified to help you meet our expected standards.

Please confirm you can attend this meeting time together with details of your support person or representative.

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Making a decision

- Inform the complainant and the harasser of your decisions and any actions arising, e.g.
 - not deemed to be bullying with no disciplinary outcome
 - apology
 - warning or dismissal
 - moving/transferring staff within the business
 - gradual reintegration back into the workplace
 - counselling or training
 - dismissal

Moving forward

- Assess need for support, mentoring or training
- Review practice policies in conjunction with staff
- Closely monitor the environment
- Consider if timely to undertake a practice climate survey

Performance appraisals & staff training



How do staff know what is expected of them?



Management styles – what is yours?

OUT WITH THE OLD	IN WITH THE NEW
Micro-management.	Empowerment.
Management by being 'visible'.	Watching & listening, engagement.
Management knows everything.	Choose great people with the right skills, let them get on with it.
No mistakes tolerance policy.	Admit & learn from mistakes.
Balance sheet drives the business.	People driven business & quality of service delivery.
Job competency is sufficient.	Expect & enable star performance.
Demand change; be specific & time driven.	Nurture change; let people participate, give them credit for it.
Junk food in staffroom.	Promote workspace wellness.
Incentives to get better performance.	Being valued matters more than money.

When giving feedback, be

- Specific and clear
- Timely
- Balanced – acknowledging both achievements and areas for development
- Factual – based on observation and information, not hearsay or judgement
- Focused on actions and behaviours that the staff member can do something about, rather than reasons
- Constructive – delivered with respect and in consideration of the person's dignity
- Focused on performance

Tailor KPIs for different staff

NURSES	RECEPTIONISTS
All nursing services performed to quality standards.	Patient complaints relating to reception area are under 0.5%
Clinical records completed accurately.	Banking balances at the end of the shift.
Provided health education on use of inhalers to 80% of asthma patient population.	All stationery supplies are maintained at appropriate stock levels.
Has undertaken continuing education and added one nursing service to practice.	There is no breach of the Privacy Act.

Training & development

- Gets new recruits up to speed sooner.
- Builds confidence, motivation & enthusiasm across all staff to increase productivity and job satisfaction.
- Reduces down time, error rates, complaints & loss of staff.
- Share the knowledge across the team, this encourages good habits to be replicated.
- Aids staff retention.

Analyse training needs

Position title - Medical receptionist John Smith

Skills

Keyboard skills

Filing

Document scanning

Computer back up

Software trouble shooting

Telephone skills

Dealing with difficult people

Offer good service

Handling complaints

Taking messages accurately

Assessing situations

Managing patient expectations

Time management &

organisational skills

Competent

Yes

Yes

Yes

Yes

No

Yes

No

Yes

Yes

Yes

Yes

Yes

No

Knowledge

Health Information Privacy

Code 1984

Microsoft Word

Microsoft Excel

Microsoft Publisher

Email

Practice management software

Clinical knowledge

Cultural competence

Personal attributes

Ability to work under

pressure

Ability to work sole charge

Competent

Yes

Yes

Yes

No

Yes

No

N/A

Yes

Yes

Yes

Yes



Training

See HealthyPractice® for training on:

- Managing the telephone.
- Privacy & HIPC.
- HDC & patient rights.
- Health & safety at work.
- Communication.
- Handling complaints.
- **www.privacy.org.nz** for online privacy training
- Population based funding.
- Capitation.
- Patients.
- ACC.
- Managing debt.
- Credit terms.
- **Manager training – Levels 1 to 4.**
- **www.pmaanzt.org.nz**

Knowledge sharing/coaching



Managing sick or injured staff members



Avoid importing problems

Do you have any disability or medical condition that would affect your ability to effectively carry out the tasks and responsibilities described in the position description?

YES/NO

If Yes, please provide details (please include details of any services or facilities which would allow you to carry out this role satisfactorily):

Do you suffer from anything that may affect your ability to perform the role for which you have applied (for example OOS, back injury, stress related illness)? If Yes please provide details:

Misuse of sick leave ?

Or is the employee genuinely unwell or having a run of bad luck with their health or that of their dependents?

‘I have noticed a pattern where you have taken sick leave on three Mondays out of the past four. Can you explain?’

‘I am concerned about the amount of sick leave you are asking for to mind your children, have you exhausted all other childcare options?’

Medical certificates

At the employee's cost, if;

- Sick or injured for more than 3 consecutive days.
- Have used more than 5 days sick leave in the year.

Otherwise at the employer's cost.

ACC

Employer responsibilities:

- Provide the relevant forms to ACC
- Work with the case manager to manage return to work.

Employee responsibilities:

- Provide up to date medical certificates to the employer and to ACC.
- Work with the case manager to manage return to work.

When enough is enough

You can terminate for ill health
when it is fair to do so.

We are writing to you requesting an assessment of our above named employee's medical status to assist in our decision making process into her ability to return to full employment. This is relation to X's on going absence from work since [date] as per the medical certificates you have been providing (copy of latest certificate attached).

Also attached is a signed consent form from our employee for you to release this information.

Please complete the following questions to help us make a decision regarding X's ongoing employment:

1. The state of X's health and diagnosis of their medical condition;
2. Any treatment X is receiving to manage the illness;
3. How long the condition expected to continue and when X will be able to return to work full time (35 hours per week) as per attached position description;
4. If unable to work, to elaborate, providing treatment details, time frames and milestones so that we can work with X to develop a return to work plan if this is practical;
6. The likelihood of the illness returning when X returns to full duties;
7. We would appreciate any other information which you feel may assist.

Please send your report and invoice to us. If you need further information about this matter please contact me on [phone].

The elephant in the room . . .

How would you respond if the employee had a cancer diagnosis rather than the mental health diagnosis?

Risks & resources

Avoid 'diagnosing' staff. Ask for consent to get detailed info from their doctor or a suitably qualified independent doctor or specialist e.g. an Occupational Medicine Specialist

Having staff as patients can result in a conflict of interest, see www.healthypractice.co.nz for a treatment Policy.

Medical Council of NZ's statement on Medical Certification:
www.nzma.org.nz

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Questions?

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