Beyond Punishment - Workplace Conferencing:

An effective organisational response to incidents of workplace bullying

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More and more organisations have policies and procedures to deal with difficult situations such as workplace bullying. While they may appear to be procedurally fair, rarely are they able to deal effectively with the emotional impact of the harmful behaviour and its aftermath. The Workplace Conference is a process designed to bring together those most affected by this destructive behaviour to come to some agreement about how repair the harm and how to go forward. This innovative approach to transforming conflict has its origins in the justice system as a means for dealing more effectively with offending behaviour and its impact on victims. It has been used more recently, and with great success, across a wide range of industries, government and non-government sectors, and large and small businesses. This paper will examine the philosophy, practice and theory of this extremely effective process.

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Introduction:

The cost of workplace bullying can no longer be ignored by business. Bullying includes behaviours that intimidate, offend, degrade or humiliate a staff member, possibly in front of co-workers, clients or customers. Workplace bullying causes tremendous harm to individuals, relationships and eventually productivity, with increasing costs associated with absenteeism, worker's compensation, high staff turnover or industrial action. While many organisations have adopted policies and procedures to deal with difficult people and situations, rarely are they able to deal effectively with the emotional impact of this harmful behaviour and its aftermath. Their attempts at problem solving often make things worse. Clever businesses, on the other hand, have understood that healthy workplace relationships are critical to job satisfaction and therefore productivity (Thorsborne, 1999). This paper will describe a process called Workplace Conferencing, which, adapted from processes used to divert juvenile offenders from court, has been used successfully as a response to cases of workplace harassment. A case study will be used to demonstrate the impact of a serious case of harassment on individuals and staff at a high school, and to illustrate how the conference process achieves outcomes that are procedurally, emotionally and substantively satisfactory for the community of people most affected by the behaviour.

History of Workplace Conferencing:

Conferencing is not new to most western democracies. Introduced into Australia from New Zealand in 1992, the first experiment of the process (then called Family Group Conferencing) was based in the NSW town of Wagga Wagga

where conferences were facilitated by police to divert youth entering the justice system away from court (Moore 1995). The Wagga model, as it now known, became the basis for an international conferencing movement in reforms to criminal justice and education systems in Australia, the UK, Canada and the USA. In 1994, conferencing was first used in Queensland schools as a response to incidents of serious harm. The majority of conferences were in response to assaults and serious victimisation, followed by property damage and theft. Conferences were also used to address incidents involving drugs, damaging the reputation of the school, truanting, verbal abuse, persistent disruption in class, and in one case, a bomb threat. Two twelve month studies of conferencing in schools have been conducted since 1994 and those results have confirmed that conferencing is a highly effective strategy for dealing with incidents of serious harm in schools (Cameron and Thorsborne, 1999). During this period there were two cases of teacher assaults on students that were dealt with by way of the conference process. Parents, the student victims, administrators and the teachers involved reported high levels of satisfaction with both the process and the outcomes. The alternatives were of course, charges of professional misconduct with the accompanying investigations and possible reprimands placed on file.

In late 1995, "workplace" conferences also began to be used in the industrial area of the Illawarra region south of Sydney. The first ten workplace conferences in this region dealt, respectively, with: breach of lending regulations at a suburban bank branch; assault and wrongful dismissal at a coal sampling operation; malicious gossip at an information technology firm; theft at a medical research centre; racial vilification at an earth moving plant site; abusive management at a television station; industrial espionage at a radio station; inadequate management at a radio station; sexual harassment in a church community; and discrimination, abusive supervision and safety breaches at a coal mine (Moore, 1996). Workplace conferences have been subsequently conducted across public and private sector workplaces in Queensland and New South Wales.

The conference process:

The Workplace Conference is a process designed to bring together those most affected by harmful and destructive behaviour in the workplace. Convened by a skilled facilitator, the process allows this community of people defined by the behaviour and its impact, to tell their stories in an honest and open way. A shared understanding of the extent of the harm is reached. This community is then in a position to decide what needs to be done to repair the harm and put plans in place to minimise the chance of further harm. The outcomes are recorded as a workplace agreement (similar to a heads of agreement from a mediation).

In his extensive description of workplace conferencing, Moore (1996) describes the similarities between the process used in justice and education settings and the process now used with such success in workplaces:

"The workplace conference shares some basic features with community conferencing, which is the generic term given to a process now being used in schools, justice systems and other settings to address victimising behaviour against property or persons. A community conference brings together the perpetrator(s) and victim(s) of such behaviour. It also brings together their respective supporters and any other members of the community of people affected. The community conference has two main aims: to repair the damage arising from the behaviour and to minimise further harm. This essential definition also applies to a workplace conference. The nature of the damage and the plans to minimise further harm are generally more complex in workplace conferences than in community conferences. But the two forms of conference share an approach to conflict that makes possible constructive rather than destructive outcomes.

Perhaps more fundamentally, community conferencing and workplace conferencing share a psychosocial dynamic. Deeply negative feelings between participants are transformed to a point where constructive interaction is again possible. This affective transformation makes possible symbolic reparation between victim(s) and perpetrator(s). In a workplace, however, affective transformation creates additional opportunities. It helps participants identify and rewrite some of the cultural scripts that govern the micropolitics of that particular community."

The benefits of this philosophy and approach which are made clear to prospective clients and participants include:

• all affected staff will have an opportunity to understand the full picture of what has transpired rather than relying on office gossip as a source of the "truth"
• transformation of conflict into cooperation as the staff involved come together as a community to tackle the problem (becoming "we" instead of "us and them")
• it becomes this community's responsibility to decide what's to be done, rather than resting solely with management - ensuring ownership of any agreement by all parties
• it builds accountability within this community, and develops a sense of trust
• it is an opportunity to review workplace culture and processes which may have contributed to the problem
• it avoids the necessity for industrial and/or legal involvement and hefty court fees - the agreement reached will stand up to scrutiny in any such setting
• the process is fast and effective
• research has proved that participants in such processes have found them to be procedurally, emotionally and substantively fair and satisfying
• the intervention has a solid theory base which draws on neurobiology, psychology, political philosophy, and social, organisational and management theory

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

Preparation:

1. *Identification of key people* who have become involved in the management of the difficulty, and/or who have been most affected, either emotionally or operationally (or both) by the original behaviour and its aftermath.

2. *Carefully structured interviews with all parties*. This process is vital to the success of the conference. Such interviews for staff average around one hour, but vary with those more affected. This part of the preparation provides those affected with an initial chance to share the burden the difficult behaviour has placed on each of them, and allows the facilitator insights into the history of the case, individual's personalities and builds trust between him/her and the participants. This trust is critical when people are particularly fragile and the issues difficult and sensitive.

3. *Other issues identified*. Often, interviews reveal that there are other issues between staff that may have nothing to do with the offending behaviour, but will need to be resolved for the organisation to go forward. These are dealt with during or before the conference.

4. *Venue* (privacy is paramount) and an *appropriate time* need careful thought. Conferences may take some three or more hours (the case study outlined below effectively took a whole day). Staffing the office while key people are engaged in this difficult work needs to be considered. Refreshments are needed both during and/or after the conference.

The Workplace Conference:

1.The conference, conducted by an appropriately skilled facilitator, is attended by those identified during interviews as being central to the situation and who are willing to participate in the process of repair.

2. The conference will focus on, usually, the latest event that has occurred in the workplace. This will raise a host of other issues identified during interviews across the range of affected staff. These will be systematically addressed. The philosophy of this approach lies in identifying the harm to relationships and encouraging people to take responsibility for their part in how the situation unfolded.

3. An agreement in the form of an action plan, with clearly articulated responsibilities and timelines, will be negotiated and signed off by all parties responsible. It will reflect plans for repair and protection of workplace relationships.

Follow-up:

1. Compliance with the agreement is monitored both internally (by individuals identified during agreement formation) and externally (by the facilitator) at an agreed interval. The facilitator continues to provide support for individuals and the organisation and is available for further problem solving should a need arise.

2. A report to management which may include recommendations for some changes in systems or approaches is submitted at the conclusion of the work.

The following case study, involving a case of serious and long-term harassment in a high school, illustrates the preparation and describes the conference itself and its aftermath.

Case study: Workplace Harassment

(all names have been altered to protect the identity of people involved in this case)

The author, and ultimately the conference facilitator, was approached by a high school principal who had heard about the effectiveness of Community Conferencing and had wondered if it could be applied to the situation she was grappling with at her school. On staff at the school was an experienced male teacher who taught across two faculties (Social Science and English) and who was under investigation for a series of difficult behaviours that included:

• refusal to work cooperatively with one of his heads of department (female, head of Social Science)
• his verbal abuse of some members of staff including this particular head of department
• his slackness with paperwork
• his tendency to "recruit" and polarise members of staff, particularly those who were new
• his lack of prudence in the form of inappropriate disclosures to students about staffing and other issues.

The relationship between the female head of department (HOD) and the male teacher had deteriorated over a long period of time, some ten plus years. Two previous principals were, for various reasons, unable to intervene effectively to stop his behaviour during that time. The teacher had also been recently refused two positions to which he aspired - teacher of an extension class for gifted students, and school sports coordinator. He was particularly angry about this and asserted that he was being victimised by the school administration. The new principal, keen to put the matters to rest, was willing to try this style of intervention as a response to the problems which had prompted the investigation.

The first task was to identify those who had become involved in the situation. The following people were identified and agreed to be interviewed:

Jeanette: School Principal (P)
Fiona: Deputy Principal (DP)
Jim: Deputy principal (DP)

(all three administrators had been involved over time in trying to deal with Jeremy's behaviour and its impact on staff)

Peter: District Supervisor (DS)

(now involved in the investigation and possible disciplinary outcomes)

Jeremy: Social Science/English teacher under investigation/discipline measures
Ian: English HOD
Lucy: Social Science HOD - the main target of Jeremy's abuse
Michael: English teacher (Lucy's husband, also on staff at the school) (ET)
Ann: Social Science teacher (SST) and current Sports Coordinator

The interviews:

(The following information is summarised from notes taken during interviews)

It became apparent that the current situation had its origins back as far as the commencement of Jeremy's duties at the school in 1984. Jeremy had come to regard Lucy with some loathing, and hated the way he saw she treated students - he was certain that students found her intimidating and frightening. Jeremy also saw himself as a self-appointed social and political commentator on staff, and a champion of student rights. He felt that Lucy's influence, and admin's dislike of his outspokenness meant that he had been recently discriminated against when seeking the two positions for which he believed he was the best candidate. His performance in relation to curriculum was characterised by poor examination preparation, both for himself and his students, never completing work to meet deadlines, inaccurate marking schemes, not following the syllabus and failing to meet other organisational requirements within the Social Science faculty. These behaviours were consistent in his other teaching area, but he insisted that his other HOD was only concerned with outcomes. He was, however, passionate about teaching his students, and many enjoyed his classes. He dismissed admin's feedback regarding his performance as an excuse to get at him. He also reported to students that he had missed out on his expected position because of Lucy. Over the years, he had begun to criticise Lucy and others openly in staff and faculty meetings and in the staff room. This became deeply upsetting to her and some other staff. His rages that were marked by a red face, loud voice, pounding of tables and finger pointing were frightening to her and others. Lucy no longer spent time in the staffroom.

Lucy, a very private person who saw herself as strong and controlled, had revealed little of what was happening to her for some time, and felt very unsupported and alone on staff. She began to believe that anyone who Jeremy had spoken to was no longer to be trusted. She stated that everything she did was influenced by the risk of being shot down. In the absence of any support, and during a period of transition through the two previous principals who were unable to intervene effectively, Lucy had become deeply suspicious of Jeremy and in the end somewhat paranoid in her belief that he was out to destroy her. She was also afraid for her life and those of her children, believing that Jeremy would bring a gun to school one day and lie in wait for her. Michael, her husband, came to share this belief. He revealed during his interview that he had thought of applying elsewhere for a job, but was afraid that if he left the school, he would leave Lucy exposed to further harm, and would be unable to protect her. Needless to say it, became extremely difficult for Lucy and Jeremy to work in the same curriculum area, or indeed the same staffroom.

In a letter to the principal before the conference she expressed her fears of Jeremy continuing to make her life an emotional misery by undermining her when speaking at her or about her. She felt that she no longer had any resources to put up a fight, and she didn't want to be hurt any more. She was extremely reluctant to participate in the conference initially, and was literally terrified of exposing herself in a way that he could use against her in the future. The principal had already decided that the conference would go ahead with or without her. There were enough supporters for Lucy, including her husband, who could adequately represent her interests. No pressure was put on Lucy to attend, but in the end she chose to be there so she could speak for herself - a decision that took great courage on her part.

Staff who knew Lucy well agreed that she was hard to get to know but when that happened, people respected her faultless organisation of her faculty, her high expectations of students and her levels of motivation. Her classes were highly sought after by students and parents on behalf of their children.

Other staff reported that Jeremy was very difficult and disruptive in staff meetings. He attracted the disaffected on staff and stirred the pot with half truths, keeping old grievances alive. He plundered information to use against others. They were also of the opinion that he knew exactly what he was doing in regard to Lucy, and that his behaviour was intensifying. Lucy's husband Michael described his behaviour as persistent, ongoing and vicious. People were also aware that Lucy was becoming visibly traumatised. His English HOD believed that Jeremy sought to wear Lucy down in the hope that she would leave, and students would no longer have to put up with her intimidation of them. Fiona (DP), who had been at the school for some time reported that she and her husband who was then on staff and Jeremy had been good friends in the early days. He had opposed *her* promotion to Deputy Principal and had set out to destroy her. Having failed to do that, he turned his sights on her husband and wore him down to the point where he sought employment in another school. Jeremy saw himself as a champion of students, and she felt he needed to be seen as a hero. Over time however, she had noticed him becoming self-righteous and

contemptuous of other staff, their work, motivation and values. Fiona also commented that noone had done anything for Lucy for years because it had all been too hard. When the new principal, Jeanette, came, Fiona herself had felt a great deal of support but Lucy had not experienced nor believed that such a level of support was possible. Lucy herself, reported though, that having Jeanette there now had made life more bearable for her.

The conference:

The conference was conducted off campus and started around 9.30 am. It focused initially on exploring the reasons why Jeremy had not won the two positions he felt he was entitled to. This particular move by the facilitator allowed for a "gentle" opening to the very difficult issue of Jeremy's harassment of Lucy, and also allowed him to vent his strong feelings about his perceptions of being discriminated against. Jeanette (P) explained that he was turned down mainly for his lack of organisation, imperative for both positions. He denied this assertion and reiterated that he had not been given the job "on the whim of Lucy". It emerged from further discussion involving several others present that he failed consistently to follow through with ideas, tests were not prepared on time, nor showed to teachers in advance. Jeremy agreed that this was the case.

Ann (SST) spoke of one incident when she was new to the school where he had refused to see a test she had set before the students took it. As it turned out, his students had seen some of the questions in practice tests and therefore were considerably advantaged. Feedback that she received as a result of this fiasco was deeply humiliating to her, as Jeremy had implied that she didn't know what she was doing. She became extremely reluctant to communicate with him after that - which made her angry with herself.

Lucy now joined the dialogue and added that it was impossible for her to discuss anything at all with Jeremy. He either refused to answer her or was totally objectionable. She also questioned his use of the term "whim" and his belief that she was responsible for his being denied the jobs he wanted. A very heated discussion followed with input from Lucy, Ian (English HOD), Fiona (DP) and Jeremy. He continued to argue that he had been denied the positions because of Lucy's negative influence on Jeanette (P), while the others argued that it was lack of organisation and attention to detail, his refusal to cooperate on matters of policy and practice and lack of follow through which ruled him out.

At sometime during this robust discussion, Jeremy had claimed that his relationship with other members of staff was very positive, implying that the problem lay amongst those assembled in this room. (It is worth noting at this point that Jeremy had been asked on several occasions prior to the conference to nominate any staff members he felt could and would support him. He consistently refused, saying that the whole staff should be interviewed to get a balanced view. In the end, the person who had the most positive things to say about him and his work was Ian, his English HOD. Ian was therefore seated next to him on the day.) His claim that everyone else thought he was a good person to have on staff was too much for Fiona (DP) who launched an attack on his

perceptions. She said that far from getting along with other staff, he was a master at manipulation targeted individuals and loaded the bullets for others to fire. She, in tears by now, further accused him of almost ruining her marriage and being behind her husband's move to another school. She shouted at him "you don't bloody care".

Lucy then found the courage to tell Jeremy that she and her husband were both physically afraid of him. Ann, too added that she found his rages, which involved shouting, finger pointing, clenched fists and a red face, especially in meetings very frightening. Lucy announced that she was on the verge of taking out a restraining order against him, so great was her fear for herself and her children. Jeremy laughed incredulously at this. His contempt for her was obvious when he asked" I am intimidating?"

Peter (DS) revealed that there was a thick file of complaints about his behaviour and that the system was contemplating initiating a formal harassment complaint. Jeremy replied that he saw "real harassment" at the school - implying Lucy's treatment of students. Jim (DP) told Jeremy that, while he had never been one of his targets, his previous attempts at conciliation had failed and that some people in the school carried too much baggage around from the past. This made life very unpleasant. Peter (DS) reminded Jeremy of the need to model appropriate behaviours because of the impact on students. Jim (DP) added that his constant cynical comments made people very uncomfortable and he didn't listen to anyone else's opinions. Jeremy asked the group if others saw his behaviour as harassment. Ann (SST) replied that he was very good at presenting a particular image to those he wished to influence and impress and that his behaviour did in fact affect his students. Lucy, to illustrate his impact on students, told of an incident where he failed to adequately prepare one of his classes for a test. There were parent complaints as a result. Jeremy dismissed this criticism by arguing that the particular students in question had such low ability that it wouldn't have mattered how well he had prepared them, they would still have been distressed by the exam. This led to a long exchange between Lucy and Jeremy which revealed deep antagonisms, and huge differences in beliefs and values about teaching and learning, the curriculum in general and the syllabus in particular. Peter (DS) told John that there had been many complaints from parents who were dissatisfied with Jeremy's approach. He added that Jeremy's view that "all was rosy" was far from accurate. This angered Jeremy, who held the view of himself that he was a champion of students. He maintained that his focus had always been to build and maintain self-esteem in his students. By now his face was red and he was beginning to point his finger at Peter, who asked him to put his finger down.

At this point, the facilitator refocused conference participants about the purpose of the meeting and that was exploring the harm to relationships and how that harm might be repaired, if indeed this was possible.

Fiona (DP) took the hint and told Jeremy that she had reached a point where she was no longer scared of him. Jim (DP) told Jeremy that he noticed how strongly his language was "us and them", and how he appeared to target women mostly

for his venom. Lucy reminded him of a sweeping comment he made in the staff room that "the entire staff was lazy". Jeremy, at that point, actually hung his head. The facilitator asked him directly if his cynical barbs and throwaway lines actually served some purpose, ie what was he trying to achieve with his comments? Was it to entertain himself, entertain others or change someone's behaviour? He supposed that it was to entertain himself. Participants then related examples of Jeremy's more hurtful comments, with Jim (DP) also adding that Jeremy could be very funny too. Peter (DS) spoke of the emotional bank account between people and that Jeremy's behaviour and comments had brought that bank account to the edge of bankruptcy.

The facilitator reminded everyone that individuals, particularly Lucy, had taken a great risk in talking about their reasons for being physically afraid of Jeremy. His immediate and contemptuous reply to that was that Lucy obviously needed counselling. Fiona leapt to Lucy's defence and told him that was "an arsehole remark". Lucy took a deep breath and spoke directly to Jeremy. She told him she was indeed frightened of him and had felt that way for years. Her real fear was his red, angry face. She had reported to admin that he was out to destroy her. She had tried to be strong but he always deliberately put her down.

Jeremy was stunned by this honest, heartfelt feedback. He was astonished that he could be a source of someone's fear. He also remarked that it would give him a huge amount to think about. Fiona (DP) wondered if Jeremy was afraid of Lucy's popularity, given the huge demand from students to be in her classes? Jeremy, clearly still taken aback by Lucy's admission of fear, finally admitted " It's clear what the problem is and it's up to me to do something about it, so why don't we just get on with it". There seemed to be a collective sigh of relief from other participants - Jeremy had finally figured out that he was in serious trouble. The conference had taken three hours to reach this point, and all agreed to break for lunch - a rather uncomfortable affair with people mostly silent, clustered in small groups and Jeremy wandering off by himself, obviously with much to think about.

When the conference reconvened after lunch, the facilitator asked Jeremy to clarify the remarks he had made before lunch. He replied that, according to others, he "harassed people". He then said that he had no intention of doing that, and that to intend to do such a thing would be "sick". He also added that noone had been more bashed than he had been, a comment about his own experiences of being bullied when he was a student at school.

The facilitator then asked the question which precedes the building of an agreement ie what can be done to repair the hurt, if in this case it was even possible? Jeremy replied straight away that he needed to "shut up". When the facilitator asked Lucy what she wanted to happen, it prompted another anguished outburst. She accused Jeremy of deliberately setting out to destroy her, that it seemed to part of his personality. She of wanting to feel safe again, to be able to get on with her job, not to be sworn at, not to be affected so badly by her job. Fiona (DP) told him that nothing could be done to repair what's been done. She couldn't understand why she had been one of his targets or why he

had set out to destroy her husband. Softening a little, she added that he had such good ideas, and she hoped they could all finally work together.

Ian (English HOD) hoped they could all work together towards common goals. Jim (DP) also commented on Jeremy's good ideas, and hoped he could follow through with these. He also reminded him that he was neither a sheriff nor vigilante. Peter (DS) was clear that he expected concrete observable change both immediately (as far as his behaviour towards Lucy) and in the long term ie to engender in his students a love of learning through good modelling. Jeremy replied that he'd shut up and leave the rest to the system to sort out. Peter remarked that his response was not good enough. Jeremy asked what was it exactly that he wanted him to do. The facilitator asked him directly if he was prepared to let up on Lucy. He reassured everyone that he certainly was, and the last thing he wanted to be seen as was threatening. He again stated that he would eliminate that possibility. Fiona requested that she wanted him to show more respect. When asked to clarify that, she said she wanted him to stop openly criticising other teachers and the administration.

Lucy again stated how badly she had been hurting and asked him how could he have not been aware that he was hurting others. Fiona, without waiting for a reply, also asked was he aware that he was hurting others. Jeremy replied with some impatience that adults should be able to take criticism, and he wanted Lucy to be able to reflect on her behaviour. Fiona, again defending Lucy, rounded on him and told him he was not criticising Lucy, but victimising her. She asked him by whose authority did he do that, and what right did he have to sit in judgment of her. Lucy added that nothing she ever did or changed ever stopped the stream of criticism. Jeremy replied that he had believed that others could take it as he had done. He had learned something today, that he was wrong about this. (This comment was made with a combination of contempt and humility.) He went on to add that if he dropped dead tomorrow, there would remain some nasty politics at the school. He then apologised to Lucy and Fiona for hurting them, adding that he was not a victim of circumstance, but that in his own defence, he had judged others as he judged himself. He had always pictured both Lucy and Fiona as strong and assertive.

Lucy, on hearing his apology and his belief that she was strong and assertive broke down, sobbing that she had felt less safe, and she didn't want to be hurt any more. Jeremy, somewhat desperate, said he didn't know what more he could do, he couldn't run away, and who would hire him at forty-five. Fiona, needing to have the last word, state strongly that what had happened between him and Lucy was not a personality clash, not a conflict, but a clear case of victimisation.

At this point the facilitator began the process of negotiating the specifics of the agreement:

Jeremy agreed to stop his verbal attacks on Lucy and stop threatening her in any way. He also agreed to cease publicly undermining the school administration, criticising other staff and being the self-appointed commentator on political and social issues within the school. He agreed to abide by the administrative

requirements of his job. Peter (DS) offered access to professional support and counselling to anyone who felt they needed it. All present expressed a wish that a spirit of cooperation towards common shared goals be fostered in the workplace.

The conference concluded at 3.30pm, having taken some six hours.

After the conference:

The evening following the conference, Jeremy phoned Jeanette (P), full of rage at the outcome of the conference, saying that she had got what she had wanted, and that Lucy was totally neurotic. He was particularly angry with Peter (DS) and threatened that if a complaint of harassment was laid against him, he would seek legal advice. (Obviously the brief window through which the conference participants had seen Jeremy finally accept that he done Lucy and Fiona particular harm, was sorry for it and prepared to stop the behaviour had been closed very quickly, and he was enraged at having been exposed in such a way)

Lucy was encouraged to take a few days off to recover from her ordeal. She reported via email to the facilitator that she was emotionally and physically exhausted (as were all participants, including the facilitator). She had been heavily medicated to get her through the conference and was surprised that she was able to verbalise how bad it had been for her. She was grateful the process had allowed her to do that. She reported bad dreams of death, suffocation and injury that night, and crying a great deal, but fully expected to return to work soon.

Her recovery proved much more of a challenge for her. It was quite apparent that she had been suffering long term trauma and accompanying chronic depression. She was placed on sick leave and worker's compensation and is only now, with continuing treatment some twelve months post-conference, being gradually rehabilitated back to work.

Jeremy's story continued to unfold. When Peter reported the conference process and outcomes to his superiors at his regional office, they were outraged by his behaviour and were keen to formally admonish him and charge him with professional misconduct. These attempts to override the agreement reached during the conference with Jeremy conflicted with the spirit of restoration and repair which underpinned the schools' attempt to deal with problem internally. If these officials had declared themselves as having a possible role in determining outcomes prior to the conference, it would have been more sensible to include them as participants in the conference. It was agreed by them and the school administration, however, that Jeremy's continued presence in the school would put Lucy's rehabilitation at risk. He was transferred almost immediately to another school, with a formal warning about his troublesome behaviour. He objected strongly to the transfer, took legal action and fought his case in the industrial court. The Industrial Commissioner dismissed his case within an hour. Jeremy, within weeks of joining the staff of his new school, began his agitating, social commentary and complaints about how badly he had been treated. His

new principal reprimanded him and reminded him of the tenuous nature of his continued employment. Jeremy continues contact with his old school and has recently endeavoured to gain place on the school council. This, apparently was graciously avoided.

Transforming conflict

In coming to understand why restorative processes such as conferencing make such transformation of high level conflict possible, the model of personality offered by Nathanson (1992, 1996), Silvan Tomkins (1962, 1963, 1987, 1991, 1992) and Kelly (1996) has helped answer many questions. Participants come to a conference feeling various degrees of contempt, anger and/or outright fear. As the conference process unfolds, by following a carefully scripted sequence of mostly open-ended questions, these emotions are transformed into disgust, distress and surprise. At a point, usually marked by a collective feeling of shame and vulnerability, these are transformed into expressions of interest and relief as plans for the future are negotiated. The emotional burden that people have carried, some for months and years, is relieved in the process of reaching a shared understanding of the harm that has been done to individuals and relationships. The acknowledgement and validation of individuals' positions and perspectives, genuine remorse (however shortlived, as demonstrated in the case outlined above) on the part of the "offender" and others who may have failed victims by their action or inaction provides a beginning to the process of emotional healing, so critical in the wake of harassment cases. Reform in workplace policies and procedures, determined via the agreement, can continue the healing process and protect others against the risk of future victimisation.

Conclusion:

Leaders and managers may be keen for a resolution of difficult situations for a number of reasons: the need to demonstrate that they value their staff; the need for the organisation to put the conflict and its distractions behind them; the need to reinforce company values about the way staff treat each other and their commitment to clients, their work and each other; and finally, the need to exhaust all possible avenues before applying rigorous sanctions. The guiding principles of democracy (participation, deliberation, equity and non-tyranny), are satisfied as the community of people affected become involved in the problem-solving. Issues are worked through thoroughly as people are given the opportunity to explore the impact on the behaviour on them and their relationships. Skilful facilitation removes the risks of tyranny or domination of one person's view over others during the process. The fundamentally democratic nature of workplace conferencing has much to offer workplaces which seek a genuine, long term solution to relationship difficulties and which understand that healthy workplace relationships are vital to job satisfaction and productivity.

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