

<b>Institution: University of Manchester</b>		
<b>Unit of Assessment: 17 (Business and Management)</b>		
<b>Title of case study:</b> Addressing workplace bullying and harassment: Building systems & competences for formal intervention		
<b>Period when the underpinning research was undertaken:</b> 2000-2016		
<b>Details of staff conducting the underpinning research from the submitting unit:</b>		
<b>Name(s):</b>	<b>Role(s) (e.g. job title):</b>	<b>Period(s) employed by submitting HEI:</b>
Helge Hoel Cary Cooper	Professor Professor	01/10/2004-31/07/2018 01/10/2004-present
<b>Period when the claimed impact occurred:</b> 2014 – 2020		
<b>Is this case study continued from a case study submitted in 2014?</b> N		
<p><b>1. Summary of the impact</b></p> <p>Professor Helge Hoel has developed a methodology known as ‘Faktaundersøkelse’ (‘investigation of facts’) to resolve workplace bullying allegations fairly and rigorously. Within the Norwegian Armed Forces, large European construction firms, and Scandinavian local and regional authorities, more than 1,000 managers have implemented the procedures in their workplaces, such that 200,000 employees are now protected. Impacts as a result of the implementation include: a radically <i>enhanced competency</i> within workplaces to deal with bullying and harassment allegations; an improvement in the stringency and formality of anti-bullying investigations resulting in <i>more equitable outcomes</i>; an improvement in <i>employee and workplace wellbeing</i>; and the development of workplace anti-bullying policies leading to <i>cultural change</i>. Norwegian magistrate and county courts now recognise the Faktaundersøkelse approach as a vital procedural tool for resolving disputes.</p>		
<p><b>2. Underpinning research</b></p> <p>In 2001, Professor Hoel reported findings from the first nationwide survey of workplace bullying in Great Britain [1], which was sponsored by the British Occupational Health Research Foundation. This large sample study identified that one in ten respondents (10.6%) reported having been bullied within the previous six months and more than one in four (24.7%) had been bullied in the past five years. Additionally, almost half of respondents (46.5%) had witnessed bullying in the previous five years. In 2009, Hoel and his colleagues used these findings to inform the development and validation of the Negative Acts Questionnaire Revised (NAQ-R) [2]. This questionnaire is the most widely used instrument for measuring exposure to bullying and harassment at work, and has been applied in several hundred studies worldwide.</p> <p>Having documented the prevalence of bullying at work, Hoel then began to examine the contextual factors associated with bullying and different approaches to addressing the problem, including the role of industrial relations, the role of leadership and the role of policies and regulations. Hoel took an interventionist perspective to examine the investigation processes surrounding bullying complaints, with a view to improving this process [3], [4]. Hoel and colleagues examined how complaint processes are administered, how evidence is gathered and its probability of being considered, and how decisions are reached given the legal/regulatory framework and applicable standards. This research also identified the barriers to and enablers of effective complaints processes, including the need to ensure objectivity and fairness of the complaints process and the need for specialist support for the individuals who may be carrying out the investigation. Whereas previous research predominantly examined the experience of the complainant or the organisational context for bullying, Hoel’s research was the first to systematically examine how serious cases of bullying could be better managed through more effective investigation and complaints procedures.</p>		

Professor Hoel also undertook international comparisons of differing national approaches to the management of bullying at work. Through detailed case analyses of Scandinavian practices, Hoel identified shortcomings in the approaches prevailing in this region [4], [5]. He documented how the Swedish approach had few formal methods to respond to complaints, including a lack of an investigatory system and a strong reluctance to assigning blame, guilt and responsibility [5]. Similarly, the Norwegian approach to addressing workplace bullying was found to be very informal with management processes rarely guided by formal policies or written guidelines, resulting in particularly negative consequences for targets of bullying and harassment [6].

Hoel's research pointed to significant differences between the Scandinavian approach and the investigation practices and training approaches offered by British employers, particularly those in the North West of England. Accordingly, Professor Hoel (along with his collaborators Einarsen and Pedersen) worked with the Norwegian Labour Inspectorate (Arbeidstilsynet) to develop a methodology, Faktaundersøkelse ('investigation of facts'), for use in difficult bullying cases in the workplace [5]. This new methodology located bullying complaints within the framework of the employer's duty of care and the managerial prerogative, offering a structured and fair response to complaints where no formal tradition existed. The results of this research were reported in a book, 'Faktaundersøkelse' [6], which provides the case for and gives advice on how to deal with interpersonal problems and complaints of bullying and harassment in the workplace. Whilst various similar approaches are used in Anglo-Saxon countries, this is the first attempt to address the issue holistically in the specific Scandinavian socio-political and regulatory context. This formal methodology constitutes a fundamental departure from the informal way of addressing conflicts of this nature in this context.

### 3. References to the research

- [1] Hoel, H., Cooper, C.L & Faragher, B. (2001) Workplace bullying in Great Britain: The impact of occupational status, *European Journal of Work and Organizational Psychology*, 10, 443-465 <https://doi.org/10.1080/13594320143000780>
- [2] Einarsen, S., Hoel, H. & Notelaers, G. (2009) Measuring exposure to bullying and harassment at work: Validity, factor structure and psychometric properties of the Negative Acts Questionnaire. *Work & Stress*, 23, 24-44. <https://doi.org/10.1080/02678370902815673>
- [3] Merchant, V. & Hoel, H. (2003) Investigating complaints of bullying. In S. Einarsen, H. Hoel, D. Zapf & C.L Cooper, (Eds.) *Bullying and Emotional Abuse in the Workplace: International Perspectives in Research and Practice* (259-269), London: Taylor & Francis.
- [4] Hoel, H. & Einarsen, S. (2011) Investigating complaints of bullying and harassment. In S. Einarsen, H. Hoel, D. Zapf & C.L. Cooper (Eds.) *Bullying and Harassment in the Workplace: Development in Theory, Research, and Practice. Second edition.* (341-357). London/New York: CRC Press – Taylor and Francis
- [5] Hoel, H. & Einarsen, S. (2010) The Swedish Ordinance against Victimization at work: a critical assessment. *Comparative Labor Law and Policy Journal*, 32, 101-125.
- [6] Einarsen, S., Pedersen, H. & Hoel, H. (2016) *Faktaundersøkelse: Metodikk i vanskelige arbeidsmiljø saker* [translated: Investigation of facts: Methodology for use in difficult cases associated with the work environment]. Oslo: Gyldendat Akademisk

### 4. Details of the impact

#### 4.1. Pathway to Impact

In 2005 Hoel was engaged as an expert international adviser for a three year Norwegian national initiative *Jobbing uten Mobbing* (Working without Bullying) initiated by the Ministry of Labour under the supervision of the Norwegian Labour Inspectorate. Acting as international advisor to the Steering Committee for the duration of the project, Hoel was tasked with examining British experiences on formal responses to bullying/harassment in the workplace with high-level, tripartite participation from trade union confederations, employer organisations and the Labour Inspectorate. Due to the uniformly positive response from the participants, a committee with tripartite membership was established with Hoel as advisor. The committee subsequently endorsed the Faktaundersøkelse investigation method, based on Hoel's cross-national research and applied to the Norwegian socio-political context. The committee also recommended anti-

bullying policy development at the organisational level to assist the Faktaundersøkelse approach. Hoel was then contracted by the Labour Inspectorate to develop a three-day pilot training programme outlining the Faktaundersøkelse methodology which he delivered to an invited audience, primarily senior HR managers invited by the Labour Inspectorate. Given the success of this pilot work, Hoel then devised a revised three-day course drawing on subsequent research into bullying in the workplace [4], [5], [6], aimed at competence and capacity building within organisations for addressing workplace bullying allegations.

#### 4.2. Impact in Scandinavian Workplaces

Since 2014, Hoel has trained over 1,000 high-level employees from many Scandinavian organisations in his 'investigation of facts' (faktaundersøkelse) method. These organisations include the Norwegian Armed Forces (16,000 employees), Kvaerner (2,700 employees), Statoil Equinor (21,000 employees), Veidekke (7,000 employees) and 54 local and regional authorities in Norway and Sweden including Gothenburg (55,000 employees), Stavanger (9,000 employees) Sandnes and Fredrikstad (6,000 employees each). This has resulted in a network of highly competent local case investigators across Scandinavia. Course attendees are mostly managers and advisors from an organisation's HR function or management consultants and independent occupational health services. Attendees take insights into practical approaches and improved personal competences back to their own organisations to shape new practices and incorporate them within their own organisation's policy frameworks [A], [B], [C], [D], [E].

Feedback on and evaluations of Hoel's training programme have shown significant organisational impacts in four areas: (1) *enhanced competency* within workplaces to deal with bullying and harassment allegations, (2) improvement in the rigour of anti-bullying investigations, resulting in *more equitable outcomes*, (3) improvement in *employee and workplace wellbeing*, and (4) the development of workplace anti-bullying policies leading to *cultural change*.

##### 4.2.1 Enhanced Competency

Professionals who have been trained in Hoel and colleagues' method have been able to embed what they have learned into their own organizations, increasing competence for investigating claims of bullying. In Norway, a training organization focused on conflict resolution in the workplace, Arbeidsmiljøspesialistene, has developed training courses based on Hoel's method [A]. Since 2014, more than 500 people have taken part in Arbeidsmiljøspesialistene's three-day residential course aimed at building in-house competence in investigation of facts [A]. Professionals from both the public and private sectors have attended these courses, including HR/occupational health professionals from 24 local authorities [A]. More than 200 professionals have undertaken further training to receive a certification of competence in anti-bullying policy development. In Sweden, the training organization Metodicum has collaborated with Hoel to design and deliver a training course that develops competence in the investigation of facts method [B]. Since 2017, approximately 400 people have taken part in a three-day residential course that enables them to implement the method in their organizations [B]. Metodicum has trained investigators in 30 local or regional authorities in the Swedish public sector, in most cases with a minimum of two persons per authority.

Evidence from multiple organizations shows that HR departments are better equipped to deal with bullying allegations after adopting Hoel's investigation method. For example, the Commander of the Norwegian Armed Forces Human Resources Management Services who chaired a working group using Hoel's method said that [C]: *"the faktaundersøkelse method has had a significant impact on the HR capabilities of the Norwegian Armed Forces. Following the #metoo campaign and associated whistle-blowing cases, there has been an explosion of work for our organization in handling cases of bullying and harassment. Without Hoel and colleagues' methods and training, we would not have developed such clear procedures for dealing with these complaints. Adopting these highly trusted and effective procedures has significantly increased our capacity and competence to undertake this increasingly important work"*.

At Kvaerner, Hoel trained 40 employees in his method, which has resulted in a network of local, competent investigators. The company highlights that [D]: *"the training and development of the*

*network has significantly improved our internal competencies for dealing with complaints of bullying”.*

#### **4.2.2. Equitable outcomes**

Participants in the faktaundersokelse courses have confirmed that one of the most significant outcomes of their training has been an improvement in the rigour and stringency of internal anti-bullying investigations. Many participants reported that prior to Hoel’s training course, there was an uneven application of process as anti-bullying investigations were mostly carried out at local levels and with varying levels of formality by different managers. This led to arbitrary and often unsatisfactory outcomes for both complainants and defendants. The faktaundersokelse procedure has therefore [C]: *“enshrined fair treatment in cases of bullying and whistleblowing [in the Norwegian Armed Forces], as the cases are now carried out according to a standardised policy and investigatory methodology that is based on firm legal foundations”.*

At Kvaerner, the procedure has been praised as [D]: *“a very orderly tool to investigate complaints”.* An internal workforce survey confirmed that in more than 80% of anti-bullying cases carried out since the faktaundersokelse procedure was implemented at the company, a satisfactory resolution to the dispute was reached without further complaint or need for additional investigation.

#### **4.2.3. Workplace Wellbeing**

At the Norwegian Armed Forces, Hoel’s procedure [C]: *“has engendered an improvement in the emotional wellbeing of both complainants and defendants, as they feel reassured by the stringency and formality of the process and have a high degree of confidence in the fairness of the procedure. This is evidenced by the fact that there have been no complaints about the application of the process, either by complainants or defendants, once a resolution has been reached”.*

#### **4.3. Development of Policies and Cultural Change**

Hoel has devised a further two-day course on anti-bullying policy development and implementation. A number of large companies in Scandinavia, that were previously lacking official anti-bullying policies, have attested to organisation-wide cultural changes that have occurred since the development of new anti-bullying policies stemming from this course. For example Holger Iversen, Vice-President of HR at Kvaerner, has stated that Hoel’s methodology and training course directly fed into the development of a new anti-bullying policy which has [D]: *“created a cultural change in the organisation by underscoring a ‘duty to act’ where harassment is seen or reported. Managers within the organisation are now compelled to take action as soon as they have been made aware of unacceptable behaviour”.* Kvaerner subsequently ran training courses for its employees to educate them on the new policy; a workforce survey in 2020 with 872 responses found that the policy is ‘extremely well known’ and respondents reported that now the policy is in place, there has been increased trust among employees that managers and the HR department would handle complaints in a satisfactory manner [D]. Veidekke’s occupational safety officer stated that *“Veidekke have developed procedures for handling employee grievances, including complaints of bullying and harassment, based on Professor Hoel and Professor Einarsen’s “Faktaundersøkelse” (FU/Investigation of Facts) principle”*[E]. She stated that *“One of the main outcomes of adopting the FU/Investigation of Facts methodology has been the formalisation of the investigation process to be fair and transparent for all parties”* [E].

Evidencing the effects of policy and culture changes triggered by Hoel’s method, the Norwegian Armed Forces conducted an internal survey (MOST survey, 8,900 respondents) which illustrated that [C]: *“the number of bullying and harassment allegations within the organisation [had] risen dramatically”,* especially since the prevalence of the #metoo social media campaign. For the organisation, these results show that Hoel’s faktaundersøkelse method [C]: *“has entered the language of the Norwegian Armed Forces and has become a firmly rooted and well-respected concept amongst employees. As such, it has led to a cultural change within the Armed Forces in which employees feel able to bring complaints without the fear that they will be treated unfairly.”* Moreover, the Armed Forces has catalysed the use of faktaundersokelse procedures on a national level by creating a new working group with the Department for Defence on whistleblowing



procedures and reporting channels which [C] “uses Hoel and colleagues’ method as a common language to create an understanding of how to fairly process such complaints”. Such central coordination groups are also evident in the Gothenburg local authority, where local trade unions have participated in the training programs and have fully endorsed the implementation of the methodology [B].

#### 4.4. Impact on Court Cases and Legal Debate

Although most faktaundersøkelse investigations are resolved within workplaces, within the last few years an increasing number of court decisions in employment-related cases by Norwegian magistrates courts (*tingrett*) and appeals courts at county level (*lagmannsrett*) have referenced the methodology [F]. Such acknowledgement of the process in court documents [G] confirms that faktaundersøkelse has not only become a common pathway to conflict resolution within Norwegian workplaces, but also a recognised process within the Norwegian legal system in cases where the conflict is escalated to courts. The faktaundersøkelse procedure has had a significant impact on legal debate as it is now recognised as playing an important role in resolving conflict within Norwegian workplaces.

#### 5. Sources to corroborate the impact

[A] Testimonial Letter - CEO, Arbeidsmiljø, 23 December 2020

[B] Testimonial Letter - CEO, Metodicum, 18 December 2020

[C] Testimonial Letter - Commander, Norwegian Armed Forces Human Resources Management Services, 23 June 2020

[D] Testimonial Letter - Vice President HR&Org, Kvaerner, 25 June 2020

[E] Testimonial Letter - Occupational Nurse/Safety Engineer, Veidekke, 7 January 2021

[F] Testimonial Letter - Advokat, Arbeidsrettsadvokatene, 2 July 2020

[G] Court Document – Lagmannsrett (in Norwegian), accessed 14 April 2020