

Civility matters

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13 December 2020

Forward ²

As the Internet was popularised following the invention of the World Wide Web in 1990 there was a mood of overwhelming optimism as the “information superhighway” was seen as a pathway to seemingly endless future utopic possibilities in modern global communication.

Now that we are two decades on it might be suggested that the Internet is in the middle of a type of mid-life crisis as we are seeing a plethora of negative phenomena mushroom to hamper users online experiences.

These negative online experiences include breaches of privacy and security, hacking, trolling, doxing, revenge porn, sexting and sextortion, non-consensual exposure of sexual images, fake news, non-consensual location tracking, viruses, malware and cat-fishing to name a few.

In this context there has emerged an important discussion about sexual harassment and bullying both in the online and offline worlds.

In 2019 the International Bar Association released its landmark report into sexual harassment and bullying in legal professions around the world which was titled ‘Us Too’.

This was followed in 2020 by revelations of high profile cases of sexual harassment in the judiciary and other parts of the legal profession. This has led to a heightening of public discussion about sexual harassment in the Australian legal profession.

On the global front some researchers have found evidence that completely transforms this conversation to mastering incivility which includes both sexual harassment, bullying, rudeness and a number of other undesirable workplace behaviours.

This has led to an emerging conversation in the academic literature about cyber-incivility, cyber-harassment and cyber-bullying in workplaces as the incivility spills into cyberspace.

It is in that context that on 4 November 2021, AUSCL organised a webinar titled The Future of Cyber Civility which happened to coincided with the counting of the votes in the US election.

The esteemed speakers on our panel included:

- Dr Felicity Lawrence – The impact of technology on civility in the workplace
- Elizabeth Devine – An Employment Lawyers View on Civility in the Workplace
- John McKenzie – Measures taken by the Office of the Legal Services Commissioner to address Online and Offline Incivility in Workplaces within the Legal Profession

We thank our primary partners in the event which were Clarence, Workplaces for Lawyers and Internet Australia.

Clearly the future of cyber-civility is a topic that cannot be completely covered in one webinar. It is a theme that allows for much more research and discussion

¹ Dr Felicity (Flis) Lawrence, founder of [Happier Workplaces](#), has a doctorate in organisational social psychology plus nearly 30 years’ experience in the RAN (intelligence) and public sector. Her passion is helping people from all walks of life fast track their well-being and resilience and implement civil family or work cultures using a 4-step program to interrupt disruptive on/offline behaviours without harm or escalating matters.

² Forward by Phillip Roberts, Principal Solicitor at PCR Law & Associates Clarence Professional Chambers.

But before we can do that first one needs to understand civility generally and how it plays out in the workplace. This is addressed in the following article from Dr Felicity Lawrence titled *Civility Matters*.

Civility matters

Civility is an expression of our society and values

Strangely enough, civility is often hard to pin down as it's influenced by changing social and workplace mores. While the word itself has roots in antiquity and derives from the Latin word *civis* or 'citizen', the *act* of civility is more complex. As illustrated in Austen's malicious oxymoron 'sneer civility' in *Pride and Prejudice*, and Wilde's 'chilly civility' in *The Importance of Being Earnest*.

Yet some elements of civility are eternal

A relatively unknown paper written by a young George Washington entitled '[Washington's Rules of Civility And Decent Behaviour in Company And Conversation](#)' offers a fascinating insight into 18th century civility and is oddly contemporary. For example, Washington instructs us to 'turn not your back to others especially in speaking' and to maintain good personal hygiene. Given COVID, his mandates on hand cleanliness and physical distancing, and his strictures against public spitting are surprisingly relevant.

Then there's incivility

The indefinable nature of civility may explain why many of my clients invariably fall back on idioms like 'mutual respect' and the even more subjective phrase, 'treat others as I wish to be treated'. More recently, the term *incivility* has been popularised by the media and organisational psychologists to explain any number of impolite or disrespectful public and workplace acts. Acts that subtly breach societal norms and yet often avoid punishment. This conduct ranges from low-intensity acts that ostensibly harms the target(s), to portraying rude and discourteous behaviour that reveals a disregard for others.

Defining workplace incivility

Workplace incivility has gradually gained greater credence even though it's often based on an individual's perception as seen through the lens of their background and social values. Incivility, like civility, can be challenging to classify, yet if left uninterrupted can lead to unforeseen consequences. [Lynne Andersson and Christine Pearson](#) (1999) define workplace incivility as a situationally contextual, interactive process involving 'low-intensity deviant behavior with ambiguous intent to harm the target, in violation of workplace norms for mutual respect.'

The potential for incivility to adversely impact our well-being and performance

Research has found the impact of incivility leads to [stress](#) that can be costly to our well-being and performance ([Jex, Beehr & Roberts, 1992](#)). Studies have found persistent incivility can result in depression, elevated heart rate, insomnia and more ([Spector & Jex, 1998](#)). It's been connected to reduced job satisfaction, job stress and withdrawal, plus psychological distress ([Lim & Cortina, 2005](#)). Incivility can also waste a lot of time, energy and money as HR, management and staff across all sectors deal with the consequences.

Incivility in the legal profession

While my experience of the legal profession is perhaps limited to the wit displayed by TV personalities Rumpole or Cleaver Greene, I do recall a particularly lively exchange during one pre-COVID workshop. One highly experienced, well-regarded, and intelligent legal professional stunned the collective by robustly arguing against the need to say 'good-morning' and 'good-night' to colleagues or staff on entering or leaving the office. On the grounds these salutations would 'interrupt the necessary thought processes of the team'. I was later advised that these and other social interactions, such as smiling and nodding in greeting, or a 'How are you today?' during phone calls, were added to this expert's vernacular and greatly appreciated by peers and staff alike. This vignette illustrates how easily each of us can become distracted with work or other matters and overlook the importance of civility as social glue.

How incivility can transition into bullying

The increasing emphasis now being placed on workplace incivility is, I believe, largely due to a growing body of research into its capacity to transform into bullying ([Hodgins, MacCurtain & Mannix-McNamara, 2013](#)). Workplace bullying offers even greater consequences for our health and well-being, performance and careers ([Nel, 2019](#); [Zapf, Escartin, Einarsen, Hoel & Vartia, 2011](#)). Of increasing concern, however, is that many of us may not realise how *easily* incivility can slide into bullying.

If you peruse the definition of incivility provided above by [Lynne Andersson and Christine Pearson](#) (1999), and consider the definition of workplace bullying [here](#) and summarised below, you will start to see why UK and US leaders, organisational psychologists and some HR professionals are taking incivility very seriously indeed. As seen below, workplace bullying is generally defined with at least three distinct elements that include:

1. Intentional, persistent behaviour that over time harms, embarrasses or defames the target(s) reputation or well-being...
2. ...is conducted by an individual or group the target(s) *perceive* as more powerful or influential (power imbalance)...
3. ...against which the target(s) feels powerless to defend themselves.

A simple method to guard against inadvertent workplace incivility

Frankly, the easiest and fastest way to safeguard your team against unintended face-to-face or cyber incivility (and/or bullying) is to set aside a couple of hours to develop a work culture code. Start by asking, 'What does civility and incivility look and sound like for us in this team or workplace?'. If you receive tentative responses to this question you have options. Schedule an expert facilitator to run the proceedings, instigate a confidential process, or download my Happiness Wish List instrument [here](#) to kick-start the discussion.

Whichever process you decide to undertake, it is critical to create a safe environment where participants feel equally empowered to *respectfully* share their perspective of the unvarnished truth without repercussions. The key is to focus on *behaviours*. And avoid blaming or shaming events, processes, individuals, characters, or personalities. After which it is a relatively simple matter to develop a tailored workplace culture tool that's implemented through common professional boundaries and intervention strategies that suit your environment. As with any good relationship, it is best to revisit and refresh this instrument at least annually.