



BULLYING IN THE WORKPLACE

What is Bullying?

Bullying is *repeated unreasonable behaviour* directed towards a worker or group of workers that creates a risk to health and safety.

Various behaviours can amount to bullying. These behaviours can be 'direct' forms of bullying or 'indirect'.

Examples of direct forms of bullying include:

- verbal abuse
- putting someone down
- spreading rumours or innuendo about someone

Examples of indirect bullying include:

- deliberately excluding someone from workplace activities
- deliberately denying access to resources or training
- withholding information that is vital for effective work performance
- setting tasks that are unreasonably above or below a worker's ability
- deliberately changing work arrangements (ie. rosters/leave) to inconvenience a particular worker/s

How can Bullying be acted out?

Bullying can be carried out:

- verbally
- physically
- or in writing, eg email

What does not amount to bullying?

Reasonable management actions carried out in a fair way are not bullying. This is why it is important to have performance management systems in place and maintain records of implementation of management action – to protect against potential claims, including claims of bullying.

For example:

- setting performance goals, standards and deadlines
- rostering and allocating working hours, overtime, weekend work etc.
- decisions to promote or not promote
- counselling, coaching or disciplining an employee for poor performance or conduct
- implementing organisational changes, restructures or implementing redundancies

Such action, conducted fairly, will not amount to bullying.

Why may employers be liable for instances of bullying?

While OH&S legislation differs from state to state and therefore the exact wording and obligation will vary, all of them provide that an employer is responsible to:

- Provide and maintain, so far as is practicable, a work environment that is safe and without risks to the health of workers by;
 - identifying hazards,
 - assessing risks; and
 - eliminating or controlling risks to the health and safety of workers.

Bullying is an accepted OH&S hazard in all jurisdictions and generally referred to by the State authorities as a hazard.

The lawful obligation rests with the employer to do *all that is practicable* to

- identify potential hazards (ie. bullying) prevent bullying happening in their workplace
- eliminate or control the risk by:
 - providing a system for employees to raise complaints
 - providing a system for complaints to be investigated and addressed
 - providing information to employees as to what is and is not acceptable conduct

What should Employers do to meet their lawful obligations and minimise claims?

To provide evidence that they have done all that is practicable to prevent bullying occurring in the workplace, and to address instances should they occur, employers should do the following:

- have a bullying policy
- have a complaints procedure
- have an investigations procedure
- be vigilant and address complaints when they arise
- ensure all employees are aware of their lawful obligations in this area

How can IR Assist help you to meet these obligations?

IR Assist can provide the following:

- a bullying policy
- a complaints procedure
- an investigations procedure
- training in conducting investigations and managing complaints
- conducting investigations and drafting investigation report
- representation in commissions regarding complaints



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If you have any questions regarding this fact sheet or would like assistance regarding IR/HR/OHS contact IR Assist for more information:

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