



Workplace bullying

FREQUENTLY ASKED QUESTIONS

What is workplace bullying?

Workplace bullying is defined as repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable including behaviour that is victimising, humiliating, intimidating or threatening.

A single incident of unreasonable behaviour is not considered to be workplace bullying, however it may have the potential to escalate and should not be ignored.

What is not considered to be workplace bullying?

Reasonable management action taken in a reasonable way

It is reasonable for managers and supervisors to allocate work and to give fair and reasonable feedback on a worker's performance. These actions are not considered to be workplace bullying if they are carried out lawfully and in a reasonable manner, taking the particular circumstances into account.

Discrimination and sexual harassment

Behaviour that involves discrimination and sexual harassment in employment is unlawful under anti-discrimination, equal employment opportunity, workplace relations and human rights laws.

Workplace conflict

Differences of opinion and disagreements are generally not considered to be workplace bullying. People can have differences and disagreements in the workplace without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. However, in

some cases conflict that is not managed may escalate to the point where it meets the definition of workplace bullying.

How can workplace bullying occur?

Workplace bullying can be carried out in a variety of ways including through email, text messaging, internet chat rooms or other social media channels. In some cases workplace bullying may occur outside normal working hours.

Workplace bullying can be directed at a single worker or group of workers and be carried out by one or more workers. It can also be directed at or perpetrated by other people such as clients, patients, students, customers and members of the public.

Who has duties in relation to workplace bullying?

Everyone at the workplace has a work health and safety duty under work health and safety (WHS) laws and can help to ensure workplace bullying does not occur.

Persons conducting a business or undertaking have the primary duty to ensure, so far as is reasonably practicable, that workers and other people are not exposed to health and safety risks arising from the business or undertaking.

Workers and other people at a workplace have a duty to take reasonable care that their acts or omissions do not adversely affect the health and safety of others.

How can the potential for workplace bullying be identified if there are no obvious signs?

Processes that may help identify workplace bullying or the potential for it to occur include:

- consultation with workers and where they exist health and safety representatives and health and safety committees

- seeking feedback when workers leave the business e.g. holding exit interviews
- seeking feedback from managers, supervisors or other internal and external parties
- monitoring incident reports, workers compensation claims, patterns of absenteeism, sick leave, staff turnover and records of grievances to establish regular patterns or sudden unexplained changes
- recognising changes in workplace relationships between workers, customers and managers.

What can be done to manage the risk of workplace bullying?

Workplace bullying is best dealt with by taking steps to prevent it from occurring and responding quickly if it does occur. The actions to manage workplace bullying may vary depending on the situation, the number of parties involved and the size and structure of the business or undertaking.

Actions to manage the risk of workplace bullying	
Prevention	Response
<ul style="list-style-type: none"> • Consult with workers and health and safety representatives (if any). • Set the standard of workplace behaviour e.g. through a code of conduct or workplace bullying policy. • Design safe systems of work by clearly defining jobs and providing workers with the resources, information and training they need to carry out their work safely. • Develop productive and respectful workplace relationships through good management practices and effective communication. • Provide information, training and supervision. • Review the effectiveness of actions taken to prevent workplace bullying. 	<ul style="list-style-type: none"> • Implement workplace bullying reporting and response procedures. • Respond to bullying reports quickly. • Treat all reports seriously. • Maintain confidentiality. • Allow the parties to explain their version of events. • Remain neutral and impartial towards everyone involved. • Communicate the process for responding to reports and the outcomes to all involved parties. • Provide support e.g. employee assistance programs. • Attempt to resolve the matter. • Conduct a follow-up review.

See the *Guide to Preventing and Responding to Workplace Bullying* for further information.

What actions can be taken if workplace bullying is substantiated?

If an allegation of workplace bullying is substantiated, actions should be taken consistent with policies and procedures applying at the workplace. The actions will vary depending on the severity of the workplace bullying and can be aimed at both the individual and organisational level. Actions may include:

- obtaining an apology and a commitment that the behaviour will not be repeated
- providing coaching or training e.g. communication skills
- providing counselling support
- addressing organisational issues that may have contributed to the behaviour occurring
- providing a verbal or written warning
- regular monitoring of behaviour
- demotion, dismissal or other actions subject to workplace relations laws.

A combination of strategies may be necessary to prevent workplace bullying from reoccurring. Additional measures that may also be considered include:

- reviewing the workplace bullying policy
- providing information to workers to raise the awareness of workplace bullying.

What if workplace bullying is not substantiated?

If an investigation finds a report of workplace bullying is not substantiated, assistance may still need to be provided to resolve outstanding issues. This may involve mediation, counselling or changing working arrangements. If the report is found to be vexatious or malicious, disciplinary action or counselling may be considered. Any action taken should be consistent with the organisation's policies on misconduct and disciplinary action.

What can you do if you experience or witness workplace bullying?

Seek advice from another person, for example a manager, human resources officer, health and safety representative or union representative, about the behaviour you are experiencing and what you can do about it.

Check whether your workplace has a bullying policy and reporting procedure. The policy should outline how the organisation will prevent and respond to workplace bullying.

Report the behaviour as early as possible or, if you feel safe and comfortable doing so, calmly tell the other person you object to their behaviour and ask that it stop.

Further information is available in *Dealing with Workplace Bullying – A Workers Guide*.

What can you do if attempts to resolve the situation within your workplace have failed?

There are a number of organisations that may be able to offer advice and assistance:

Work Health and Safety Regulators

State and territory [regulator contact details](#).

Fair Work Commission

From 1 January 2014, a worker who reasonably believes they have been bullied at work may apply to the Fair Work Commission for an order to stop the workplace bullying.

Further information on the Fair Work Commission is available at www.fwc.gov.au