



WORKPLACE BULLYING: FROM GRAPPLING WITH THE ESSENTIALS TO MASTERING PREVENTION

THIS SESSION WILL FOCUS ON...

- What developments have occurred in the anti-bullying powers under the Fair Work Act - what does this mean for you?
- Key focus – Collaboration for prevention – How we can adopt a collaborative approach ?



Bullying occurs when:

- a person or a group of people **repeatedly** behaves unreasonably towards a worker or a group of workers at work **AND** the behaviour creates **a risk to health and safety**.

Fair Work Anti-Bullying Provisions

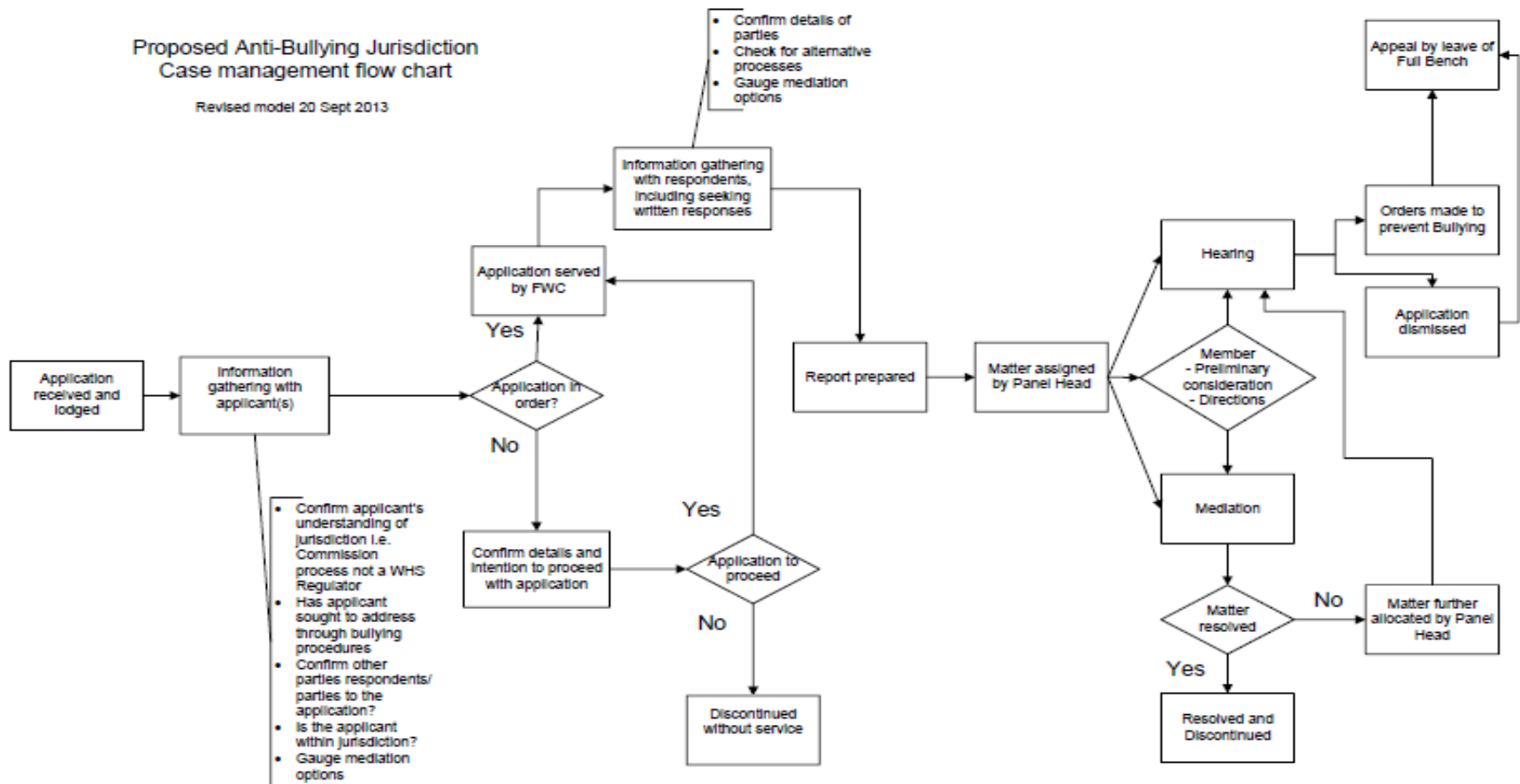
- Allow workers to apply directly to the Fair Work Commission for an order to stop the bullying.
- No time limit - Employee must be continue to be exposed to bullying
- Reasonable management action
- FWC power to make any order it considers appropriate, NOT financial penalties, reinstatement or compensation



Anti-Bullying Application Process Flow Chart

Proposed Anti-Bullying Jurisdiction Case management flow chart

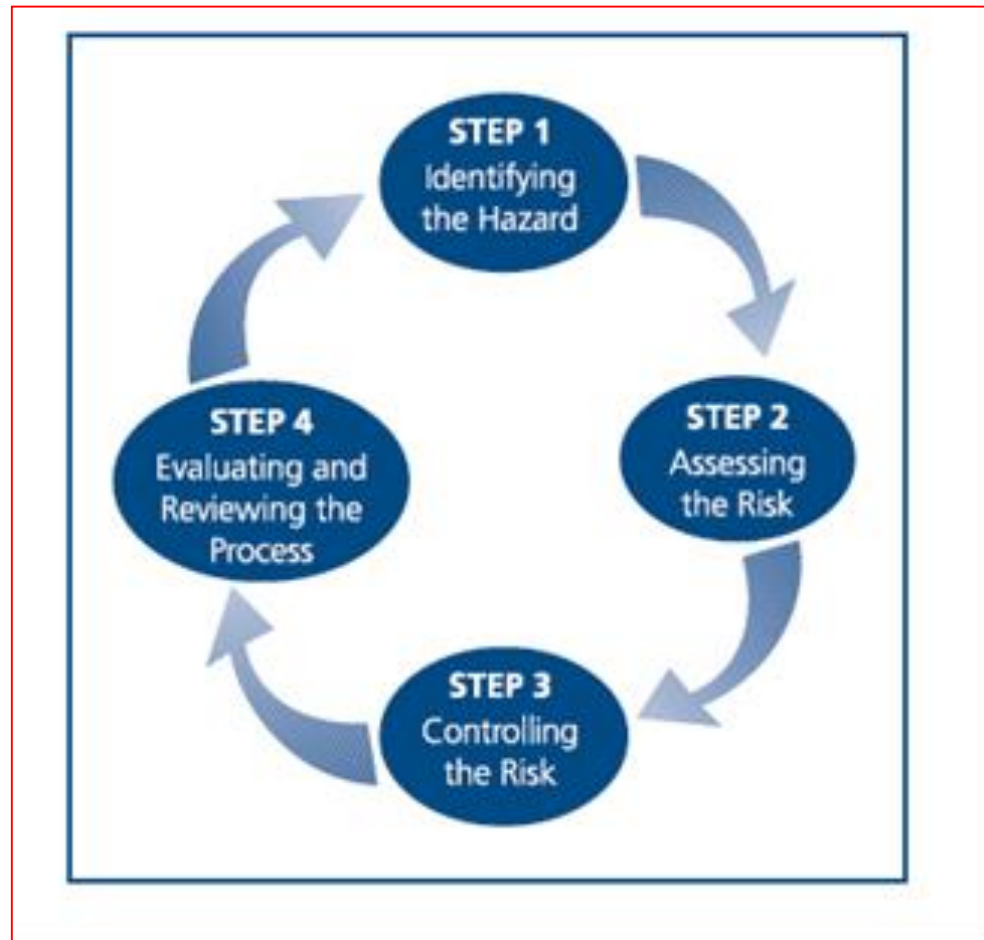
Revised model 20 Sept 2013



What could this mean for you?

- Reduce the risk of surprises with a clear and simple internal dispute resolution system – The worker does not need to first raise a bullying concern internally – *Encourage internal reporting*
- Greater scrutiny and expectation around performance management & dispute resolution processes – *Clear and established systems in place*
- Imperative to thoroughly document all workplace concern discussions, facilitation and investigations and ensure they are procedurally fair – *upskill leaders and internal investigators/facilitators*

Risk Management Approach



The 5 dysfunctions of a Team



Figure 1: The Five Dysfunctions Model by Patrick Lencioni



ROOTS = SYSTEM DESIGN



- ✓ Values
- ✓ Underpinning behaviour – above and below the line
- ✓ Respectful & Collaborative Workplace Policy reviewed
- ✓ Recruitment & Performance management procedures aligned
- ✓ Dispute resolution procedure
- ✓ Optimise collaboration systems/processes

TRUNK = CAPABILITY BUILD

- ✓ Healthy conversations
- ✓ Leaders identify risks and intervene – spectrum of strategies in toolkit
- ✓ Feedback and feed-forward skills
- ✓ Pathways to performance
- ✓ Recruitment & Performance management procedures aligned
- ✓ Compliance training
- ✓ Investigation & mediation skills



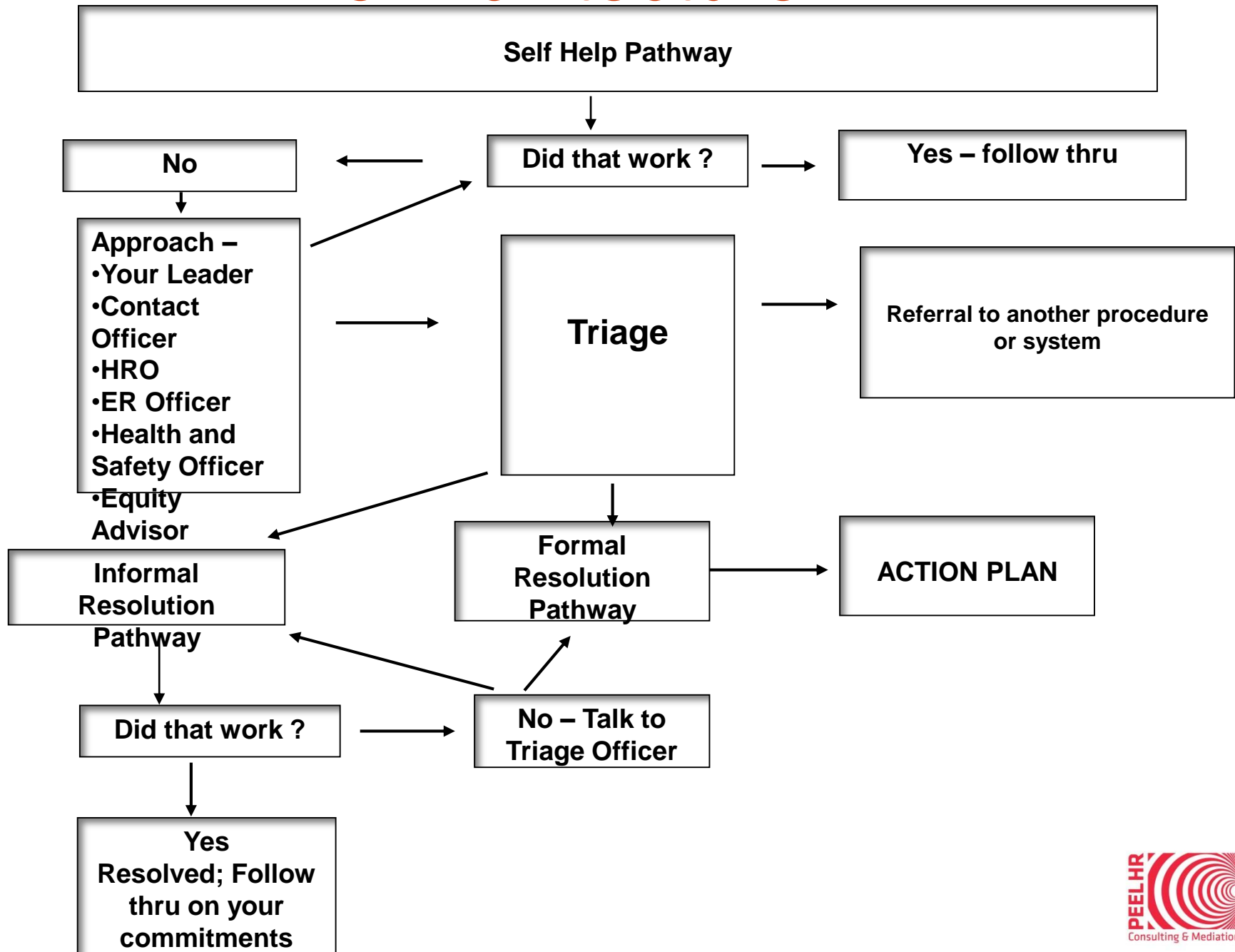
BRANCHES = PREVENTATIVE MEASURES

- ✓ Clear accountability for behaviours
- ✓ Self Help is a priority
- ✓ Early intervention
- ✓ Team collaboration workshop
- ✓ Team planning

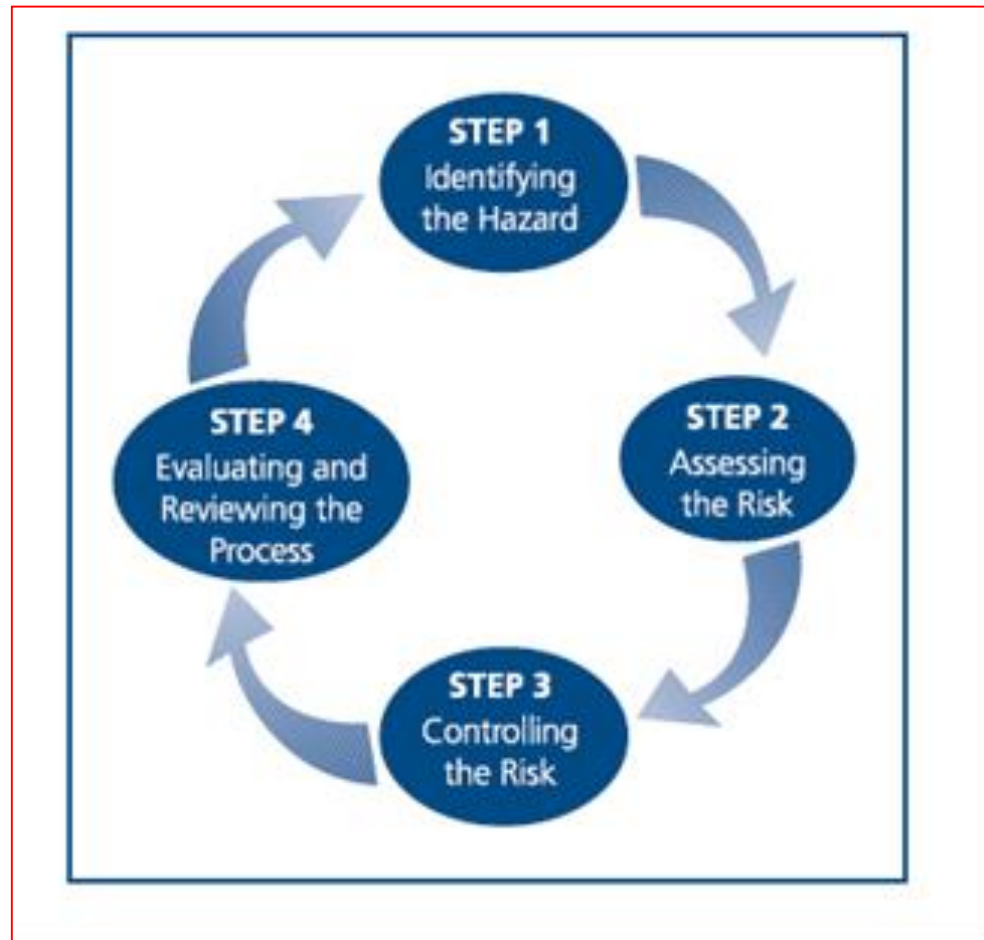
LEAVES = REMEDIAL INTERVENTIONS

- ✓ PREVENTATIVE FOCUS
- ✓ HOLISTIC VIEW – systemic and environment factors
- ✓ Clear avenues for mediation, facilitation, Investigation

The Architecture



Risk Management Approach



**Questions or
comments?**

