

WORKPLACE BULLYING

Bullying in the workplace should always be taken seriously. Here's your guide to preventing and responding to bullying claims from employees.



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BULLYING AT work occurs when a person, or group of people, repeatedly behave unreasonably towards another worker or a group of workers at work and that behaviour creates a risk to health and safety.

Unreasonable behaviour includes victimising, humiliating, intimidating or threatening and the test is whether a reasonable person might see the behaviour as unreasonable in the circumstances. It could be between workers, from a supervisor or manager to a worker, or even from a worker to a supervisor or manager.

Bullying does not include reasonable management action carried out in a reasonable manner. An employer or manager can still make decisions about poor performance, take disciplinary action, and direct and control the way work is

carried out. However, management action that isn't carried out in a reasonable way may be considered bullying.

Examples of bullying

- Persistent use of abusive, insulting, or offensive language or aggressive yelling or shouting;
- Unnecessarily interrupting or disrupting an employee's work or inappropriately interfering with an employee's personal property or work equipment;
- Repeatedly denying access to information, consultation or resources;
- Continually giving feedback in an insincere or disrespectful manner.

ANTI-BULLYING APPLICATIONS

To make an application with the Fair Work Commission for a stop bullying order, a person must be a worker. This includes an employee, a contractor, a subcontractor, an outworker, an apprentice, a trainee, a student gaining work experience or a volunteer. If you have already dismissed an employee, they can't make an anti-bullying application.

Remedies can include any order considered appropriate to prevent further bullying, including an order that you stop specified behaviour, that your behaviour be monitored regularly, that you provide training and support to your workers, or that you review your bullying policy. The Commission cannot issue fines or penalties and cannot award any compensation (but if orders are made and not complied with, penalties may be imposed for non-compliance).

HANDLING A BULLYING CLAIM

Employers and businesses have a duty to ensure the health and safety of their workers and this includes providing a workplace free from bullying. From time to time, you may receive complaints of bullying at work. Here are some points you may want to consider.

We recommend that you deal with all bullying complaints as soon as possible, and by managing the situation appropriately, you can hopefully avoid an employee making an anti-bullying application to the Commission.

In the first instance, speak to the employee who is making the complaint and confirm whether they want you to take this further. The employee should be encouraged to put their complaint in writing. If a complaint is not detailed in writing, or specific details regarding the allegation are not provided, it can be more difficult to address or investigate.

At this point you may want to consider whether it would be safe and appropriate to resolve the issues between the parties. If this is not appropriate or the employee would like you to move forward with their complaint, the next step is to investigate their claims. The most appropriate way to do this is usually to meet with the accused employee to discuss. It is a good idea to provide them with notice of this meeting and invite them to bring a support person along, if they wish. The meeting will be an opportunity for you to discuss the allegations of their behaviour and your concerns, and provide them with the opportunity to respond. You may also need to meet with other employees

