



WHAT YOU NEED TO KNOW

BULLYING

What you need to know



If you have any questions with regards to the information contained in this document or related to Health Care Records, please contact our Workplace Relations team on 9439 8822 or via workplace@amansw.com.au



The word 'bullying' may initially evoke scenes from the school playground, unfortunately it can also be a prominent occurrence in workplaces. The AMA (NSW) Hospital Health Check continues to receive responses from DITs who have experienced bullying in one form or another. The bottom line is everyone has a right not to be bullied at work. Bullying is NOT acceptable as part of a workplace culture.

The word bullying is thrown around a lot these days, but what is it?

Bullying in the workplace is repeated unreasonable behaviour, by a person or group of people, towards another worker or a group of workers that creates a risk to health and safety. It can be between co-workers, from a supervisor or manager to a junior, or from a junior to a supervisor or manager.

Unreasonable workplace behaviours include victimising, humiliating, intimidating or threatening someone. Bullying can be psychological, social, physical or a combination of these.

What should I do if I have experienced bullying in the workplace?

As with any workplace grievance, one of the best things you can do is make notes of any incidents. Bullying is defined as 'repeated unreasonable behaviour' so you should record all dates and times of any incidents.

Following this you should talk to someone about the bullying and seek advice.

What if I am not sure if the behaviour is bullying? How do I know if I should put in a formal report?

If you are not sure if the behaviour that you have been experiencing is bullying then you may like to discuss your concerns with someone you trust. This could be a friend, partner, colleague or Health and Safety Representative. Sometimes it helps to get another perspective. The AMA (NSW) Workplace Relations team are here to listen and help with any workplace matters.

Who can I talk to in the hospital if I am concerned about bullying in the workplace?

HealthShare provides an **Anti-Bullying Advice Line** which you can call on 1300 416 088. Your conversations with them will be kept confidential and they can offer advice on the process of making a bullying complaint.

You may wish to discuss your issues with your Health and Safety Representative, or an Anti-Bullying Contact Officer initially. Their role is to provide you with representation, advice and assistance.

What you need to know



If you have any questions with regards to the information contained in this document or related to Health Care Records, please contact our Workplace Relations team on 9439 8822 or via workplace@amansw.com.au

What if it's not me who is experiencing bullying but a colleague? Should I report it?

Yes, if you are ever concerned about a colleague's health and safety in the workplace then you should report it. This includes concerns about bullying.

It's probably a good idea to talk to the colleague first, before you take anything further on their behalf. If you're unsure, contact our team for a confidential discussion.

Do I have to report bullying in the workplace?

All NSW Health staff (including doctors in training), are responsible for raising bullying concerns. There is an expectation that all employees play a role in 'developing and maintaining harmonious workplace relations and promoting a positive and cooperative workplace culture.' The policy directive **Prevention and Management of Unacceptable Workplace Behaviours in NSW Health - JMO Module** outlines these expectations in more detail.

Who do I contact to formally report workplace bullying?

Complaints should be made to your direct manager or supervisor in the first instance. If the complaint is against your manager/supervisor or there is some other conflict of interest, the complaint can be made to the next more senior manager or to Human Resources for further action.

What can I expect to happen after I make a formal complaint regarding bullying?

An initial assessment will be conducted which should occur within three working days of a complaint being made. This will be used to assess the nature of the complaint, the seriousness of the matter and determine whether any immediate action needs to be taken. All involved parties must be made aware of the process, expected timelines and kept up to date about progress.

The **policy directive** includes a flowchart to illustrate the key stages of managing a bullying complaint.

Can I make a confidential bullying complaint? Will the person know that it was me that raised the complaint, as I am worried that it may make things worse?

All parties involved in a bullying complaint have both the right to confidentiality and a responsibility for maintaining confidentiality.

Anonymous complaints are not encouraged. It's understandable that you may wish to keep your identity anonymous from the person against whom you are raising the complaint, however this may prevent investigation of the concerns raised.

What you need to know



If you have any questions with regards to the information contained in this document or related to Health Care Records, please contact our Workplace Relations team on 9439 8822 or via workplace@amansw.com.au

If I'm called to a meeting during the investigation, what should I take with me or have prepared?

You should be provided with reasonable notice of any meeting (usually 48 hours) to give you time to prepare. It is a good idea to have your initial notes with you as a guide to prompt you through the discussion. Have a timeline of events recorded along with any supporting documentation where available. Take a note pad and pen in case you want to take notes.

Also consider your behaviour at the meeting. Raise your issue with respect, be clear and concise as to the facts. Make sure the other party has understood your concerns and be ready and willing to problem solve. After all, you are not just raising a problem, you are after a solution.

Can I have a support person attend the meeting with me?

Yes. You are welcome to bring a support person to any meeting related to a workplace grievance including bullying. Make sure your support person is aware of their role at the meeting. They are there to support you and take notes if you want them to, not to advocate for you or provide evidence.

Who is an appropriate person to take as a support person?

A colleague is probably appropriate in most circumstances (provided they are not a potential witness in the investigation of the matter) but if you don't feel comfortable having a colleague listen in then you could consider someone from outside the hospital such as an advisor.

A member of the **Workplace Relations Team** is able to attend as a support person for a member should they wish.

I've heard that workplace meetings are sometimes recorded (or notes taken). Can I have access to this information to check it reflects what actually happened?

Yes. Not all meetings will be recorded but there will probably be someone taking notes. You can request a copy of the recording or the written record of the meeting.

Will raising a bullying complaint lead to disciplinary action for the other side?

It may. Again, this will of course depend on the severity of the matter. You should be informed of an outcome from an investigation, that is, were the allegations substantiated or not, however, you may not find out the detail of what disciplinary action (if any) was taken.

I'm worried that if I raise something it will put me in the spotlight. Is there any risk to me if I raise a bullying complaint?

No, there shouldn't be. You should not be victimised or harassed for raising a grievance. All employees have the right to raise any workplace grievances or concerns (including bullying) and have them considered seriously and dealt with in a fair, impartial and confidential manner. If you are victimised or harassed seek advice.

What you need to know



If you have any questions with regards to the information contained in this document or related to Health Care Records, please contact our Workplace Relations team on 9439 8822 or via workplace@amansw.com.au

What if I don't want to make a formal report and just want to change roles to get away from the bullying behaviour. Can I do that?

In most circumstances you are better off raising your concerns with the appropriate people, who can then work with you to decide on the best course of action. Avoiding the situation does not always ensure that the bullying behaviour will stop.

What happens if I make a complaint about bullying but then decide I don't want to take things further?

You cannot be compelled to pursue a complaint. When a complaint is made, depending on the circumstances, there may be an obligation on the manager to act even if you do not want to pursue the matter. The matter may be investigated without your involvement if that is possible. For example, if the claim meets the definition of bullying, you appear distressed, or it becomes evident over time that the situation is getting worse, a significant risk may arise. There may be reporting obligations because of the nature of the allegation however, you should always be advised of these obligations in advance.

It has been alleged that I have been bullying someone. What should I do?

It can be very confronting to be accused of bullying. You may not have recognised your own behaviour as being considered bullying by another. You can expect to be provided with the substance of the complaint and given a reasonable opportunity to respond to these allegations.

You have the right to seek advice and have a support person attend any meeting with you.

The **policy directive** includes a flowchart to illustrate the key stages of managing a bullying complaint.

I have experienced a situation at work where someone knowingly humiliated me in front of others, surely this is bullying?

Yes, it could be. Some other examples of bullying include teaching by humiliation, using inappropriate humour, derogatory remarks or ignoring students.

For any of these behaviours to be classified as bullying you would need to consider if this is an isolated incident or if this unreasonable behaviour is repeated i.e. you have experienced a similar situation involving the same person before. An isolated incident would not be considered bullying.

If the behaviour is repeated and systematic then yes, it could be considered bullying.

A colleague continually uses offensive language around me, others often laugh but they know I am not comfortable and often carry on just to see my reaction. Would this be considered bullying?

Yes, it could be. If this behaviour is occurring repeatedly, and a reasonable person might see the behaviour as unreasonable in same circumstances, then it could be classified as bullying.

What you need to know



If you have any questions with regards to the information contained in this document or related to Health Care Records, please contact our Workplace Relations team on 9439 8822 or via workplace@amansw.com.au



Is it still considered bullying if a person is not aware of how their behaviour impacts others?

Yes, it may be. Just because a person doesn't knowingly intend to upset or hurt another, doesn't mean that the behaviour is not bullying. The person in question needs to be made aware of the impact of their behaviour on others so that the behaviour can stop.

My manager wants to have a meeting about my performance, is this bullying?

Bullying does not include reasonable workplace management actions carried out in a reasonable manner. A supervisor or manager is able to allocate work, provide lawful and reasonable directions and give feedback on performance. Even if you find the feedback upsetting or unsettling, this does not in itself constitute bullying.

Do I need to read the Policy Directive before I raise a concern?

Compliance with NSW Health Policy Directives is mandatory. These can be accessed via the NSW Health **StaffLink** system with a number of directives also freely available on the internet. Whilst the process may differ slightly from LDH to LDH or even hospital to hospital, approaches should be consistent with any associated policy directives.

If you are considering raising a bullying complaint or are asked to respond to a bullying complaint, the AMA NSW **Workplace Relations Team** is here to support and assist you.



MORE INFORMATION

Fair Work Ombudsman

PD2018_016 Prevention and Management of Workplace Bullying in NSW Health

PD2016_044 Prevention and Management of Unacceptable Workplace Behaviours in NSW Health - JMO Module

This information is for general guidance only and should not be used as a substitute for obtaining specific assistance or advice. The information included in this document was collated citing the Public Hospital Medical Officers (State) Award 2019 and NSW Health Policy Directive PD2018_016 – Prevention and Management of Workplace Bullying in NSW Health and PD2016-044 Prevention and Management of Unacceptable Workplace Behaviours in NSW Health – JMO Module.



Australian Medical Association (NSW) Limited

AMA House, Level 6, 69 Christie St, St Leonards NSW 2065, Australia

PO Box 121 St Leonards NSW 1590

ABN 81 000 001 614



Phone: 02 9439 8822 or
1800 813 423 from outside of Sydney.



Fax: 02 9438 3760 or
1300 889 017 from outside of Sydney.

www.amansw.com.au



Workplace relations:
workplace@amansw.com.au

Membership:
members@amansw.com.au