

Workplace Bullying

What is Workplace Bullying?

Workplace bullying is defined in the Fair Work Act (Australia 2009) as: *'repeated unreasonable behaviour towards a worker, or group of workers of which the individual is a member, that creates a risk to health and safety.'* This definition includes bullying by workers and managers, and visitors to workplaces such as contractors, clients or union officials. Its key characteristic is *repeated instances*.

From January 2013, The Fair Work Act was modified to state that instances of workplace bullying can be reported directly to the Fair Work Commission for assistance to stop the bullying. Bullying includes:

- ◆ Abusive language
- ◆ Displaying offensive material
- ◆ Engaging in offensive initiation practices
- ◆ Humiliating
- ◆ Inappropriate personal comments (e.g. about clothes or family)
- ◆ Interfering with personal property or work equipment
- ◆ Screaming or shouting
- ◆ Spreading untruths or rumours
- ◆ Teasing or offensive joking
- ◆ Threatening
- ◆ Undermining
- ◆ Victimising

Bullying occurs in person, over the telephone, via email, text messaging or written letters. The legal responsibility to refrain from or act towards preventing bullying applies to *everyone* in a workplace, including supervisors and managers.

What is not Workplace Bullying?

Any *reasonable* action by management is not bullying. This includes:

- ◆ Any reasonable actions taken under the State Service Act (if applicable) affecting employees
- ◆ Decisions on reasonable grounds not to award promotions or benefits
- ◆ Differences of opinion and non-aggressive minor conflicts
- ◆ Disciplinary procedures for proven misconduct, or breaches of discipline or codes of conduct
- ◆ Mutual conflict or disagreement, including unresolved conflict
- ◆ Performance management, including feedback and addressing poor performance
- ◆ Single acts of rudeness, verbal abuse or anger
- ◆ Social rejection or dislike, as long as it does not include exclusion, harassment or discrimination
- ◆ Workplace changes or restructures conducted in consultation with employees and their representatives
- ◆ Workplace relationship problems.

Preventing and Managing Workplace Bullying

Workplaces can discourage, prevent and manage bullying by having in place appropriate culture and practices, ensuring that they:

- ◆ Have a sound code of ethics and conduct, to be read and signed by all employees, including management
- ◆ Have and implement stated, reasonable penalties for breaches of the code
- ◆ Encourage staff to report instances of bullying should they occur
- ◆ Have clear, concise directions for reporting procedures and make sure staff know what they are
- ◆ Give prompt and appropriate responses to reported instances
- ◆ Conduct regular assessments of workplace areas vulnerable to the occurrence of bullying
- ◆ Put practices in place to reduce or eliminate the vulnerability, such as regular training
- ◆ Regularly review preventative strategies and modify them where required
- ◆ Foster a culture of respect, equality, kindness and acceptance and keep in touch with staff

What to do if you are Bullied

- ◆ Be informed of the legislation and your workplace reporting procedures
- ◆ Keep detailed notes of incidents until you have an identifiable case
- ◆ Present your notes and records to the appropriate person, such as HR management
- ◆ Ensure that you do not commit any similar offenses, especially to the perpetrator
- ◆ Be detached and take care of your emotional and physical health
- ◆ Use your support networks, such as family, friends and work colleagues
- ◆ If you don't get satisfaction from work, check out the new reporting provisions of the FW Act (see above)

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