

How to prevent and respond to workplace **BULLYING**

A psychosocial hazard



Please note

This information is for guidance only and is not to be taken as an expression of the law. It should be read in conjunction with the Work Health and Safety Act 2012, the Work Health and Safety Regulations 2012 and any other relevant legislation. To view, go to the WorkSafe Tasmania website at www.worksafe.tas.gov.au

We welcome your feedback on this guide. Send to: wstinfo@justice.tas.gov.au

In this guide:

WHS = work health and safety

PCBU = person conducting a business or undertaking

Acknowledgments

This guide is based on the following resources:

Safe Work Australia — www.safeworkaustralia.gov.au

- Dealing with workplace bullying: A worker's guide
- Guide for preventing and responding to workplace bullying

WorkSafe Victoria — www.worksafe.vic.gov.au

- Your guide to workplace bullying: Prevention and response

WorkSafe Western Australia — www.commerce.wa.gov.au

- Dealing with bullying at work: A guide for workers
- Small business guide to workplace relationships: Preventing and managing bullying (information sheet)
- Violence, aggression and bullying at work (Code of practice)

WorkSafe New Zealand — www.worksafe.govt.nz

- Preventing and responding to workplace bullying

Contents

Introduction	4
1 Bullying is a safety matter.....	5
2 What bullying is	6
3 What bullying isn't.....	7
4 Why people don't report it	9
5 Identify it.....	10
6 Prevent it.....	12
[PCBU Name] — Workplace bullying policy	18
Manager competency register	20
7 Review	21
8 Respond to reports.....	22
9 Investigate reports	27
10 Are you being bullied?.....	30
11 What you can do if you're bullied	32
Notification of bullying behaviour	34
12 What you should expect of your workplace.....	35
13 What to do if you're accused of bullying.....	36
14 What WorkSafe Tas can do.....	38
15 What the Fair Work Commission can do.....	38

Introduction

In recent years, awareness of workplace bullying has risen. There's growing community acceptance that bullying in the workplace is unacceptable, and should be fixed when it occurs.

It can occur wherever people work together, in all types of workplaces. It's best dealt with by taking steps to prevent it from happening, and responding quickly if it does happen. The longer the bullying behaviour continues, the more difficult it is to address and the harder it becomes to repair working relationships.

About this guide

This guide explains what bullying is and is not, how to prevent it, how to respond to it when it arises, including what to do if you are a victim or accused of bullying.

It provides information for:

- persons conducting a business or undertaking (PCBUs) and managers who must manage the risks of workplace bullying
- anyone who thinks they are being bullied, so they can determine if workplace bullying is occurring and how the matter may be resolved
- anyone who has had a bullying report made against them.

This guide contains checklists and practical tools, including a sample policy. You'll find some of these, plus posters, on our website at www.worksafe.tas.gov.au/bullying

Take a risk management approach

Bullying is a psychosocial hazard. Other psychosocial hazards include work-related stress, fatigue, work overload, conflict and aggression.

These hazards — and the risks to someone's psychosocial health — should be approached in the same way as other work health and safety (WHS) hazards.

So you can and must prevent and manage workplace bullying like other workplace hazards, by:

- identifying its presence or potential
- putting control measures in place to prevent or manage it
- putting planning, resources and systems in place: for example, policies, procedures, consultation and training.

We've included a hazard register at the back of this guide, which shows how you can use your existing safety management tools to prevent and manage workplace bullying.

I Bullying is a safety matter

The effect on people

Workplace bullying is a risk to WHS because it may affect the mental and physical health of workers. It can be harmful to the person experiencing it and to those who witness it. The effects will vary and may include:

- distress, anxiety, panic attacks or sleep disturbance
- physical illness such as headaches, fatigue, digestive problems and muscular tension
- negative impact on work performance, concentration and ability to make decisions
- loss of self-esteem and feelings of isolation
- deteriorating relationships with colleagues, family and friends
- depression
- thoughts of suicide.

The effect on business

Workplace bullying can also have a negative impact on your work environment. It can damage the reputation of your business, incur direct and indirect costs for your business, and lead to:

- high staff turnover and associated recruitment and training costs
- increased absenteeism
- lost productivity
- disruption to work when complaints are being investigated
- costs for counselling, mediation and support
- costly workers compensation claims or legal action.

Who's responsible

Everyone in a workplace should be treated fairly and with respect.

Everyone at the workplace has a WHS duty and can help ensure workplace bullying does not occur:

- PCBUs should be proactive in meeting their duty of care to reduce the risk of unacceptable behaviours occurring in their workplace
- workers should be aware of their duty of care not to bully others in the workplace.

Failing to take steps to manage the risk of bullying can result in a breach of the work health and safety laws.

2 What bullying is

Bullying defined

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.

A single incident of unreasonable behaviour is not workplace bullying. However, it may be repeated, or escalate, so should not be ignored.

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable. It includes behaviour that victimises, humiliates, intimidates or threatens someone.

Examples

Examples of behaviour — whether intentional or not — that may be workplace bullying if they are repeated, unreasonable and create a risk to WHS include:

- abusive, insulting or offensive language or comments
- unjustified criticism or complaints
- deliberately excluding someone from workplace activities
- withholding information that is vital for effective work performance
- setting unreasonable timelines or constantly changing deadlines
- setting tasks that are unreasonably below or beyond a person's skill level
- denying access to information, supervision, consultation or resources to the detriment of the worker
- spreading misinformation or malicious rumours
- changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers.

Workplace bullying behaviour can be done in person through verbal or physical abuse, through email or text messaging, internet chat rooms, instant messaging or other social media channels. It may occur outside the workplace and 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 occur:

- between workers
- from managers/supervisors to workers
- from workers to managers/supervisors
- by or towards other people at your workplace, such as clients, patients, students, customers and members of the public.

If the unreasonable behaviour involves violence (for example physical assault or the threat of physical assault) it should be reported to the police.

3 What bullying isn't

Reasonable management action

It's reasonable for PCBUs, managers and supervisors to:

- allocate work
- direct and control the way that work is done
- give fair and reasonable feedback on a worker's performance.

These actions are not considered workplace bullying if they are carried out lawfully and in a reasonable manner.

A manager exercising their legitimate authority at work may result in some discomfort for a worker. The question of whether management action is reasonable is determined by considering:

- the actual management action rather than a worker's perception of it
- where management action involves a significant departure from established policies or procedures, if such a departure is reasonable in the circumstances.

Examples

Examples of reasonable management action include:

- setting realistic and achievable performance goals, standards and deadlines
- fair and appropriate rostering and allocating of working hours
- transferring a worker to another role or area for operational reasons
- deciding not to select a worker for promotion where a fair and transparent process is followed
- informing a worker about unsatisfactory work performance in an honest, fair and constructive way
- informing a worker about unreasonable behaviour in an objective and confidential way
- implementing organisational changes or restructures
- taking disciplinary action, including suspending or terminating employment, where appropriate or justifiable in the circumstances.

Unlawful discrimination and sexual harassment

Unreasonable behaviour may involve unlawful discrimination or sexual harassment which, in isolation, is not bullying.

Generally, **sexual harassment** includes unwelcome sexual advances, requests for sexual favours or other unwelcome conduct of a sexual nature that could be expected to make a person feel offended, humiliated or intimidated.

Discrimination on the basis of a protected trait in employment may be unlawful under anti-discrimination, equal employment opportunity, workplace relations and human rights laws.

Generally, unlawful discrimination is where a person or group of people are treated unfairly or less favourably than others because they have a particular characteristic or belong to a particular group of people.

Protected traits include race, colour, sex, sexual orientation, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin. For example, it would be unlawful for an employer not to employ or promote a woman because she is pregnant or may become pregnant.

For help with these matters, contact:

- Equal Opportunity Tasmania: 1300 305 062, www.equalopportunity.tas.gov.au
- Fair Work Commission: see section 15 of this guide
- The Australian Human Rights Commission: 1300 656 419, www.humanrights.gov.au

You could also contact:

- Tasmanian Chamber of Commerce and Industry: 1300 559 122, www.tcci.com.au
- Unions Tasmania: 6234 9553, unionstas.com.au

(The Work Health and Safety Act 2012 includes specific protections around discriminating against someone for raising WHS concerns or performing legitimate safety-related functions.)

Workplace conflict

Differences of opinion and disagreements are generally not considered workplace bullying. People can have differences and disagreements at work without engaging in repeated, unreasonable behaviour that creates a risk to WHS. People may also take offence at some behaviour that, in itself, is not unreasonable (including action by management).

However in some cases, conflict that is not managed may escalate to the point where it becomes workplace bullying.

4 Why people don't report it

There are many reasons why people don't report being bullied or witnessing it, or don't co-operate in inquiries. These may include:

- lack of response from their PCBU, manager or supervisor
- lack of knowledge about bullying behaviours and their effects
- not knowing if there is a policy and procedure in place for reporting bullying
- not knowing if there is a policy and procedure in place for managing bullying
- uncertainty about where to seek help
- fear of retribution from the bully
- feeling intimidated or embarrassed
- believing the behaviour is part of the workplace culture
- thinking nothing will change
- thinking their opportunities for promotion at work or the wider industry will be affected.

5 Identify it

There's a risk of workplace bullying wherever people work together. There may not be obvious signs of bullying at your workplace, but this doesn't mean it's not happening.

Workplace bullying is best dealt with by preventing it before it creates a risk to WHS. The first step is to identify the potential for workplace bullying, or if it's already occurring.

How to identify workplace bullying

- Regularly consult with your workers, managers, supervisors, health and safety representatives, and health and safety committees. You might consider conducting an anonymous survey.
- Get feedback from workers who leave the business; for example, through exit interviews.
- Monitor incident reports, workers compensation claims, patterns of absenteeism, sick leave, staff turnover, and records of grievances. This may show regular patterns or sudden unexplained changes.
- Recognise any changes in workplace relationships between workers, customers and managers.

Contributing factors

The following factors may increase the risk of workplace bullying. Do you have these in your workplace?

Work stressors

High job demands, limited job control, organisational change (such as restructuring, downsizing or significant technological change), role conflict and ambiguity, job insecurity, an acceptance of unreasonable behaviours or lack of behavioural standards, unreasonable expectations of clients or customers.

Leadership styles

Autocratic behaviour that is strict and directive and does not allow workers to be involved in decision making.

Behaviour where little or no guidance is provided to workers; or responsibilities are inappropriately and informally delegated to subordinates.

Abusive behaviour.

Systems of work

Lack of resources, lack of training, poorly designed rostering, inappropriate scheduling and shiftwork, unreasonable performance measures or timeframes.

Workplace relationships

Poor communication, isolation, low levels of support, work group hostility.

At-risk workers

Workers who are more at risk of workplace bullying include casual workers, young workers, new workers, apprentices/trainees, older workers, injured workers and workers on return to work plans, piece workers, and workers in a minority group because of their ethnicity, religion, disability, gender or sexual preferences.

Key actions to take:

- Consult or survey your workplace, including those leaving your workplace
- Check reporting systems
- Look for work stressors
- Examine leadership styles
- Review systems of work
- Check workplace relationships
- Identify at-risk workers

6 Prevent it

The risk of workplace bullying can be reduced by taking a proactive approach and creating a positive work environment where everyone treats each other with respect.

Preventative measures may involve an organisation-wide response, as well as addressing symptoms in a specific area or individual behaviours. You may need to implement a combination of the measures outlined below.

Demonstrate management's commitment

A key factor in preventing unreasonable behaviour is the demonstrated commitment by senior managers to identifying, preventing and responding to workplace bullying.

Effective leaders model their organisation's values and standards for workplace behaviour through their own conduct. This can send a clear message to workers that the organisation is serious about preventing workplace bullying, and can contribute to a positive workplace culture where unreasonable behaviour is not tolerated.

Managers can demonstrate their commitment by:

- modelling respectful behaviours at all times
- developing and implementing a policy which clearly identifies the expected behaviours and consequences of not complying
- dealing with unreasonable behaviour as soon as they become aware of it
- ensuring that reports of bullying are taken seriously and properly investigated
- consulting with workers.

Key actions to take:

- Model respectful behaviours
- Develop a policy
- Deal with unreasonable behaviour promptly
- Take reports of bullying seriously
- Consult with workers

Create a policy to set the standard of behaviour

The PCBU should be proactive in meeting their duty of care to reduce the risk of unacceptable behaviours occurring in their workplace. They should set and enforce clear standards of behaviour through a policy designed to prevent workplace bullying.

A policy is a good starting point for preventing workplace bullying. Having an agreed policy will also help the PCBU, managers and supervisors take a consistent approach to resolving workplace bullying.

What a policy does

Your policy should outline what is and is not appropriate behaviour, and what action you'll take to deal with unacceptable behaviour. It can apply to all behaviours that occur in connection with work, even if they occur outside normal working hours. It should promote principles of decency and mutual respect in your workplace.

The advantage of this approach is that unreasonable behaviours can be addressed before they escalate into workplace bullying.

Your policy may be a stand-alone policy, or incorporated into your existing WHS policy, or be part of a broader code of conduct. It should be written in plain English (and if necessary, in other languages).

What it should include

We've included a sample policy at the end of this section, but if you develop your own, you should include:

- a statement that your workplace is committed to preventing workplace bullying as part of providing a safe and healthy work environment
- the definition of workplace bullying
- the standard of behaviour expected from everyone in the workplace
- a statement that encourages people to report any bullying they experience or witness.

Your policy should cover:

- bullying through email, text messaging and social media
- how and who workers can report incidents of unreasonable behaviour to
- your process for managing reports
- what will happen if people don't comply with the policy.

Consult with your workers

Develop your policy in consultation with your workers, including health and safety representatives and health and safety committee.

If you need help with consultation, see the WHS Consultation, Cooperation and Coordination code of practice. Go to the WorkSafe website at www.worksafe.tas.gov.a and search for 'CPI35'.

Promote your policy

Make sure everyone at your workplace knows the policy. Display it prominently around your workplace (for example, on notice boards and your intranet) and discuss it in training, inductions, staff newsletters and team meetings.

Key actions to take:

- Develop policy with workers, health and safety representatives/ committee
- Write policy in plain English
- Promote policy throughout workplace
- Include policy in inductions, training, team meetings
- Set a review date for policy

Create a reporting and response procedure

Someone is more likely to report bullying if they know there is a transparent reporting process in place — and they are confident it will be followed as soon as a report is received. It's important for those who experience or witness workplace bullying to know who they can talk to in your workplace, that their report will be taken seriously, and confidentiality will be maintained.

What a procedure does

Implementing an effective response procedure will help you respond to reports of bullying in a consistent and reasonable way. It should:

- be used each time bullying is reported
- ensure consistency, but be flexible enough to fit the different circumstances of each report
- suit your workplace's size and structure.

What it should include

A procedure should:

- outline how a report (either verbal or written) will be dealt with, including principles to ensure the process is confidential, objective, fair and transparent
- state the roles of individuals (such as managers/supervisors, human resources officers, and contact/grievance officers if you have them) in the process
- include methods for ensuring no one is victimised by making a report
- identify external sources of help available to people where the workplace has not been able to resolve matters
- be written in plain English (and if necessary, in other languages).

Consult with your workers

Develop your procedure in consultation with your workers, including health and safety representatives and health and safety committee.

If you need help with consultation, see the WHS Consultation, Cooperation and Coordination code of practice. Go to the WorkSafe website at www.worksafe.tas.gov.a and search for 'CPI35'.

Promote your procedure

Make sure everyone at your workplace knows the procedure. Display it prominently around your workplace (for example, on notice boards and your intranet) and discuss it in training, inductions, any staff newsletters, and team meetings.

You can further encourage reporting by:

- making it clear that you will not tolerate anyone who reports bullying being victimised
- responding consistently, effectively and promptly to reports
- being transparent and regularly providing information on the number of reports made, how they were resolved and what actions were taken.

This will be explained in more detail in section 8 of this guide.

Key actions to take:

- Develop procedure with workers, health and safety representatives/ committee
- Write procedure in plain English
- Promote procedure in inductions, training, team meetings
- Set a review date for procedure

Provide information and training

Training is a significant factor in preventing and managing workplace bullying — particularly to enable early intervention in workplace conflict before it potentially escalates into bullying.

Everyone in the workplace, at all levels, should be provided with information and training that encourages respectful workplace relations and ultimately prevents workplace bullying from occurring.

You should cover two topics:

Your policy and procedure

Everyone in your workplace should have an understanding of the options available if they experience or witness unacceptable workplace behaviour. Training in your policy and procedure ensures everyone:

- knows these exist and understands how to use or follow them (for example, how to make a report, and how their reports will be responded to)
- knows who they can talk to about workplace bullying
- understands the role they play in preventing and responding to workplace bullying.

Your managers and supervisors may need specific training, so they:

- know how to recognise workplace bullying and put the right control measures in place
- know what to do if an issue is reported to them or they become aware of a problem in their work group
- develop positive leadership styles, and know how to appropriately manage performance and workloads, provide constructive feedback (formally and informally) and communicate effectively with their workers.

We've included a sample manager competency register at the end of this section that can help develop positive skills in your managers.

Workplace bullying

Everyone in your workplace should have a clear understanding of what is and is not appropriate workplace behaviour. Training should cover:

- what is and isn't bullying, how it can occur, why it's a safety matter, who is most at risk, the impact of bullying
- the standard of behaviour expected in your workplace.

Other training — about discrimination, harassment, workplace conflict, diversity, communication skills, interpersonal skills, teamwork or co-operation — may also be useful for your workplace.

How to provide information and training

You can talk directly with your workers by holding team meetings or speaking to them one-on-one. Use staff emails, newsletters and your intranet.

Look for online courses, podcasts or webinars too.

Make sure your induction process for new workers covers your workplace bullying policy and procedure. Inductions should cover the range of workers at your workplace: permanent workers, casuals, part-timers, shift workers, volunteers and labour hire workers.

Remember, if you are providing training or discussing bullying, it's not appropriate to include specific examples within your workplace (or even industry or community) or details of the outcomes of any investigations.

Key actions to take:

- Provide information / training about your policy and procedure
- Provide information / training about workplace bullying
- Include information in your inductions for new workers
- Train managers / supervisors in how to recognise and act on bullying
- Train managers / supervisors in how to respond to reports
- If appropriate, train managers / supervisors in positive leadership styles / behaviours, appropriate performance management, providing constructive feedback, communicating effectively

Design safe systems of work

These work-design control measures may reduce the risk of bullying:

- clearly define jobs and seek regular feedback from workers about their role and responsibilities
- provide workers with the resources, information and training they need to carry out their tasks safely and effectively
- review and monitor workloads, staffing levels, working hours and shift arrangements to reduce excessive working hours
- provide effective communication throughout any workplace change (such as restructuring, downsizing or significant technological change)
- provide access to support mechanisms (such as counselling), particularly during busy and stressful work times.

Dealing with external people

Where there's a risk of workplace bullying by other people (for example clients), consider these control measures:

- communicate your expected standard of behaviour through a code of conduct or in your contracts and agreements
- empower workers to refuse or suspend service if clients don't comply with your expected standard of behaviour
- provide support to workers who are exposed to unreasonable behaviour
- implement control measures to eliminate or minimise the risk of workplace violence.

[PCBU Name] — Workplace bullying policy

Our commitment

[PCBU name] is committed to providing a safe and healthy workplace free from bullying.

Workers are protected by this policy if they feel bullied by a supervisor, another worker, client, contractor or member of the public.

[PCBU name] will treat reports of workplace bullying seriously. We will respond promptly, impartially and confidentially.

This policy will be made available to all workers including contractors. New workers will be given a copy of this policy at their induction. Managers and supervisors will remind workers of the policy from time to time.

Expected workplace behaviours

Under work health and safety laws, workers and other people at our workplace must take reasonable care that they do not adversely affect the health and safety of others.

[PCBU name] expects people to:

- behave in a responsible and professional manner
- treat others in the workplace with courtesy and respect
- listen and respond appropriately to the views and concerns of others
- be fair and honest in their dealings with others.

This policy applies to behaviours that occur:

- in connection with work, even if it occurs outside normal working hours
- during work activities; for example when dealing with clients
- at work-related events; for example at conferences and work-related social functions
- on social media where workers interact with colleagues or clients and their actions may affect them either directly or indirectly.

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 refer to a range of behaviours over time.

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable. It includes behaviour that victimises, humiliates, intimidates or threatens someone.

Single incidents of unreasonable behaviour can also present a risk to health and safety and will not be tolerated.

What is not workplace bullying?

Reasonable management action taken by managers or supervisors to direct and control the way work is carried out is not workplace bullying, if the action is done in a reasonable and lawful way, taking the particular circumstances into account.

What can you do?

If you feel you are being bullied and are not comfortable dealing with the problem yourself, or your attempts to do so have not been successful, you should raise the issue with your supervisor, health and safety representative, or other manager within [PCBU]. You may also raise any issues with your union representative.

If you witness unreasonable behaviour, you should bring the matter to the attention of your manager as a matter of urgency.

How we will respond

If workplace bullying or unreasonable behaviour is reported or observed, [PCBU name] will take the following steps:

- the responsible manager or supervisor will speak to those involved as soon as possible, gather information and seek a resolution to satisfactorily address the issue
- if issues cannot be resolved or the unreasonable behaviour is considered to be of a serious nature, an impartial person will be appointed to investigate. Both sides will be able to state their case and relevant information will be collected and considered before a decision is made
- all complaints and reports will be treated in the strictest of confidence. Only those people directly involved in the matter or in resolving it will have access to the information
- the person making the report or helping to resolve it will not be victimised. Reports made maliciously or in bad faith will result in disciplinary action.

Consequences of breaching this policy

Appropriate disciplinary action will be taken against anyone found to have breached this policy. These measures will depend on the nature and circumstance of each breach and could include:

- a verbal or written apology
- one or more parties agreeing to take part in counselling or training
- a verbal or written reprimand
- transfer, demotion or dismissal of the person engaging in the bullying behaviour.

If bullying has not been substantiated

If the investigation finds bullying has not occurred or cannot be substantiated, [PCBU name] may still take appropriate action to address any workplace issues leading to the report.

Manager competency register

Ask your managers to use this register to assess their competencies and develop positive management skills.

They should tick the middle column to show acceptable competency, or tick the column to the left or right to show their degree of abundance or deficit in each area.

You can then use this to help your managers develop their skills in the appropriate areas. You could do these individually and confidentially; or gather the results from a few managers, average out the results, then provide feedback that doesn't identify any individuals, and provide training for all your managers.

Competency	Deficit	Acceptable	Abundance
	< Greater deficit		Higher abundance >
Three key competencies <ul style="list-style-type: none"> ■ Communication ■ Managing workload and resources ■ Participative approach 			
Respectful and responsible <ul style="list-style-type: none"> ■ Integrity ■ Managing emotions ■ Considerate approach 			
Managing and communicating work <ul style="list-style-type: none"> ■ Proactive work management ■ Problem solving ■ Participative/empowering approach 			
Reasoning/managing difficult situations <ul style="list-style-type: none"> ■ Managing conflict ■ Use of organisation resources ■ Taking responsibility for resolving issues 			
Managing individuals <ul style="list-style-type: none"> ■ Personally accessible ■ Sociable ■ Empathetic engagement 			

7 Review

Once you've implemented your control measures, monitor and review them to ensure they're effectively managing the risk of workplace bullying. If they aren't, analyse the situation further to work out how to fix the problem.

How to monitor

It's not enough to just establish these systems — you must also maintain them and ensure they're complied with.

Monitoring your prevention measures can help you check that your systems are being maintained.

So review your control measures in consultation with your workers, health and safety representatives and health and safety committee.

You should review regularly, but it's recommended especially:

- when workplace bullying has been substantiated
- if a health and safety representative or health and safety committee asks you to
- when new or further information or research about workplace bullying becomes available.

You can get information for your review from the same sources used when identifying the potential for workplace bullying (for example, confidential surveys, exit interviews and records of sick leave). You can also ask for feedback in team meetings and health and safety committee meetings.

There should also be ongoing analysis of bullying reports and investigations, to work out if you need to provide further training or information to your workers.

Asking the following questions may help your review:

- Are managers and supervisors trained to recognise and deal with workplace bullying?
Has the training been effective?
- Has awareness been raised amongst staff about workplace bullying?
- Do workers speak up about unreasonable behaviour?
- Has there been a change in workplace morale and behaviour over time?
- Is your workplace bullying policy being consistently enforced?
- Are reports of workplace bullying being responded to quickly and effectively?

Results of your review, and any suggested improvements, should be reported to managers, health and safety representatives and health and safety committees.

Key actions to take:

- Consult or survey your workplace, including those leaving your workplace
- Check reporting systems
- Look for work stressors
- Examine leadership styles
- Review systems of work
- Check workplace relationships
- Identify at-risk workers

8 Respond to reports

Responding effectively and promptly to issues when they are raised:

- can stop the situation happening again
- demonstrates that you take workplace bullying seriously.

Effective response involves choosing an approach to deal with the issue, either through:

- early intervention, which suits situations where behaviour may have just occurred or has not escalated, or
- formal investigation, which should be used for serious reports (and is covered in section 9 of this guide).

How you respond will also depend on the number of people involved, and the size and structure of your workplace.

The first step

Workplace bullying may be raised by those being bullied or by witnesses, either verbally or in writing, by:

- telling a supervisor, manager or the PCBU
- asking a health and safety representative or union representative to report it for them
- using your reporting procedure
- making a workers compensation claim.

A manager or supervisor may also identify a risk of workplace bullying through changes such as increased absences, changes in workers' performance or low staff morale.

Assess the situation

Consider these factors when responding to workplace bullying:

Is the behaviour bullying or not?

Is the behaviour repeated and unreasonable and creating a risk to WHS? Or is it something else, such as workplace conflict, unlawful discrimination or sexual harassment? The type of behaviour will determine how you respond.

Do you need to take measures to reduce the risk of ongoing harm?

If necessary, take interim measures to reduce the risk to health or safety: for example, temporarily reassigning tasks, separating the people involved, or granting leave.

Do you clearly understand the issues?

Get more information to ensure a clear understanding of the people involved and the specific behaviour or behaviours thought to be unreasonable. You can do this by speaking to others who may have seen or taken part in the behaviour.

Do you need additional or external help?

People with specialist roles in your workplace or external specialists may be able to provide information, help identify the issues and develop potential responses to address the behaviour.

Can the matter be safely resolved between the parties, or at a team level?

In some situations, it may be possible to use a no-blame, conciliatory approach to help people reach an outcome that ensures the unreasonable behaviour stops, and with minimal stress to all.

This may include:

- self-managing the situation (explained below)
- using another person to mediate or facilitate face-to-face discussions and to find a resolution that is acceptable to everyone involved.

Any proposed resolution should be discussed with the person who reported the behaviour to check they're comfortable with it.

Can the matter be self-managed?

Someone being bullied may choose to resolve issues by self-managing the situation. This usually involves telling the other person that the unreasonable behaviour is not welcome and asking for it to stop.

If someone does not feel safe or confident approaching the other person, they can seek the help of a supervisor or manager; human resources officer; health and safety representative or union representative.

Anyone asked to act on behalf of someone else should take a confidential and non-confrontational approach.

If you are being bullied, see sections 10 and 11 of this guide.

The role of managers and supervisors

If you're a manager or supervisor, you should intervene if:

- you observe unreasonable behaviour in your work team, or
- you're asked to by a member of your team.

If you approach someone directly about their behaviour, record the actions you take. You should also know how and when it is appropriate to escalate an issue.

The role of health and safety representatives

If you're a health and safety representative, you:

- can raise issues on behalf of workers in your work group
- can give advice to workers in your work group on how to approach an issue
- are not responsible for trying to resolve the matter.

Should the matter be progressed to an investigation?

Depending on the severity or complexity, some matters may need to be investigated. This will be explained in more detail in section 9 of this guide.

Key actions to take:

- Is the behaviour bullying or not?
- Do you need to take measures to reduce the risk of ongoing harm?
- Do you clearly understand the issues?
- Do you need additional or external help?
- Can the matter be safely resolved between the parties, or at a team level?
- Can the matter be self-managed?
- Should the matter be progressed to an investigation?

How to respond

Apply these principles when handling reports of workplace bullying.

Act promptly

Reports should be responded to quickly, reasonably and within established timelines.

Treat all matters seriously

All reports should be taken seriously and assessed on their merits and facts.

Ensure procedural fairness

The person who has been accused of bullying should be treated as innocent unless the reports are proven to be true. Reports must be put to the person they are made against, and they must be given a chance to explain their version of events. The opportunity to have decisions reviewed should be explained to everyone involved.

Be neutral

It's critical that you remain impartial towards everyone involved. This includes the way people are treated throughout the process. The person responding to the report should not have been directly involved; they should also avoid personal or professional bias.

Support all involved

Those involved should be:

- told what support is available (such as counselling)
- allowed a support person to be present at interviews or meetings (such as a health and safety representative, union representative, friend or work colleague).

Don't victimise

Make sure anyone who reports workplace bullying is not victimised for doing so. The person accused of workplace bullying and any witnesses should also be protected from being victimised.

Communicate process and outcomes

Tell those involved about:

- the process: what to expect during and at the end
- how long it will take
- how the process is progressing, so they know their report hasn't been forgotten or ignored
- any delays and when the process will resume
- reasons for actions that have been taken (or not taken)
- the right of review if they're not satisfied with the outcomes.

Keep records

Keep confidential records of:

- the person who made the report
- when the report was made
- who the report was made to
- details of the issue reported
- action taken to respond to the issue
- any conversations, meetings and interviews; detailing who was present and the agreed outcomes
- details of any further action required: what, when and who by.

Maintain confidentiality

If you don't maintain confidentiality, people might mistrust your reporting process. Confidentiality should be considered for what information, how and who it is communicated to.

To limit breaches of confidentiality, consider measures such as:

- discussing sensitive or private information with third parties only if they need to know and with the permission of those involved
- having secure storage for files and documents
- holding discussions in a private location
- choosing appropriate times or locations for printing, copying or disposing of materials.

It's important that everyone involved is told:

- to maintain confidentiality of the materials presented, discussed or submitted
- how to maintain confidentiality; for example, who they can and cannot speak to about the matter.

Ensuring confidentiality should not prevent those involved from seeking support (such as counselling) or bringing along a support person to interviews or meetings.

Maintain transparency

Transparency promotes accountability. It allows those involved to be fully informed about how the report is going to be handled. See 'Communicate process and outcomes' in this section for what to tell people.

Show your commitment to managing the risk of workplace bullying by highlighting activities that you have done or will do to resolve workplace bullying.

Provide generic information on workplace bullying reports and how these were handled; for example:

- the number of reports received and the number of reports resolved
- time taken to complete investigations
- if investigations were conducted internally or externally
- the general nature of the outcomes.

This helps create confidence that you're serious about preventing bullying.

Key actions to take:

- Act promptly
- Treat all matters seriously
- Ensure procedural fairness
- Be neutral
- Support all parties
- Don't victimise
- Communicate process and outcomes
- Keep records
- Maintain confidentiality
- Maintain transparency

Follow up after resolving the problem

You should hold a follow-up review to check the health and safety of those involved, to offer support and find out if actions taken to stop the workplace bullying have been effective. You might also:

At an **individual** level:

- provide counselling support
- provide mentoring and support from a senior manager
- provide training in relevant professional or skills development (for example, communication, conflict management, leadership, teamwork or co-operation)
- redress any inequality resulting from the bullying behaviour
- re-instate lost entitlements resulting from the bullying behaviour (for example, re-crediting leave)
- monitor behaviours of the affected work group
- organise work in another area of your workplace.

At an **organisational** level:

- review the effectiveness of your policy, procedures, information and training
- review your systems of work: identify and address any underlying factors that may increase the risk of workplace bullying
- keep records on reports of workplace bullying and actions taken, to analyse trends and prevent bullying from happening again.

Key actions to take:

- Review the health and safety of those involved
- Find out if measures taken have been effective
- Provide support and measures for individuals
- Review policy, procedure, training and information
- Review systems of work
- Maintain records of reports

9 Investigate reports

When to investigate

You should always investigate reports of a serious or complex nature, including those:

- covering a long period of time
- involving multiple workers
- involving senior managers
- where the reported behaviours are in dispute
- where your early-intervention approaches have not resolved the matter.

The aim of your investigation is to look into the circumstances of the matter and work out what has occurred.

How to investigate

Once you've decided to hold an investigation, decide on its scope and process, including:

- who will conduct the investigation
- what details of the behaviour will be investigated
- how the investigation will be conducted; for example, through interviews with the victim, alleged bully and witnesses, or viewing documentary evidence
- what the investigation aims to achieve
- what support needs to be provided to those involved
- how outcomes of the investigation will be communicated and who to.

You should apply the principles detailed in section 8 of this guide when investigating:

- act promptly
- treat all matters seriously
- ensure procedural fairness
- be neutral
- support all involved
- don't victimise
- communicate process and outcomes
- keep records
- maintain confidentiality
- maintain transparency.

You should have mechanisms in place to ensure everyone involved is appropriately supported during this process. Consider their working arrangements — you may need to make alternative working arrangements during the investigation — but this should not be seen as a permanent solution.

Choose an investigator

Investigations should always be carried out by someone who is:

- neutral to those involved, with no conflicts of interest
- experienced and knowledgeable in dealing with workplace bullying matters.

If it's someone within your workplace, it's also important that those involved have confidence in the person's neutrality. If this isn't possible, an external investigator is recommended.

The investigator should focus on:

- if a report of workplace bullying is substantiated or not, or
- if there is insufficient information to decide either way.

They should:

- treat all matters seriously and confidentially
- examine matters impartially, objectively and in a timely way
- allow appropriate time for their work
- identify and speak to relevant witnesses
- assess reports on their merits and facts
- hear people separately (versions of what happened may differ)
- tell everyone involved of the possible investigation results and outcomes
- record the facts surrounding the matter.

Keep those involved informed

To ensure the investigation process is conducted in a fair, objective and timely way, it's important that you tell those involved about:

- who will conduct the investigation
- any conflicts of interest. These should be declared before the investigation proceeds
- their obligations and the obligations of the investigator for confidentiality
- their right to seek independent advice and representation
- the expected timeframes of the investigation
- how the issue will be investigated
- who will receive copies of statements and records of interviews (if obtained)
- who can be present at interviews
- what support mechanisms will be in place, including any interim measures to ensure their health and safety during the investigation process.

Outcomes

At the end of your investigation, the investigator should submit an objective report to the PCBU. This report should cover:

- the investigation process used
- all relevant evidence
- the findings: if bullying did occur.

The PCBU should then:

- use the findings and recommendations to make a decision
- tell those involved of the findings.

If the report is upheld

If the report of bullying is substantiated, the actions you take should be consistent with your relevant policy and procedure. The actions may be different in each situation and depend on the severity of the workplace bullying, the size and structure of the business. Such actions may include:

At an **organisational** level:

- run a bullying awareness seminar
- run training in discrimination, harassment, workplace conflict, diversity, communication skills, interpersonal skills, teamwork or co-operation (these can also be offered to those involved)
- monitor the affected work group
- review your workplace bullying policy and prevention measures, with your managers, supervisors and workers
- address systems of work that may have contributed to the behaviour occurring.

At an **individual** level:

- direct the person to stop the behaviour, and gain a commitment from them that the behaviour will not be repeated. Monitor this over time
- provide counselling support or further mediation
- ask for an apology
- provide a verbal or written warning
- transfer a worker or workers to another work area
- demote, dismiss or take or other disciplinary actions, subject to workplace relations laws.

It's likely a combination of strategies will be appropriate to prevent bullying behaviour from re-occurring.

If the report is not upheld

If the report of workplace bullying is not substantiated, you may still need to provide help to resolve outstanding issues.

This may be mediation, counselling or changing working arrangements. Mediation is a voluntary process where an impartial third party (preferably a trained mediator) helps those involved put their case before each other. The role of a mediator is to help them understand each other's perspective and find an agreement they are willing to abide by.

If the report is found to be malicious, consider disciplinary action or counselling for the person who made the report.

Any action taken should be consistent with your policy.

Key actions to take:

- Decide if an investigation is needed
- Decide on scope and procedure for how to investigate
- Choose an investigator
- Keep those involved informed
- Take action if the report of bullying is upheld
- Take action if the report of bullying is not upheld

10 Are you being bullied?

Assess the situation

Your first step is to work out if the behaviour you're experiencing or witnessing is workplace bullying. To do so, consider these questions:

Is the behaviour being repeated?

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

Is the behaviour unreasonable?

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable. It includes behaviour that victimises, humiliates, intimidates or threatens someone.

Is the behaviour creating a risk to your health and safety?

Workplace bullying is a risk to WHS because it may affect the mental and physical health of workers. The effects will vary, and may include:

- distress, anxiety, panic attacks or sleep disturbance
- physical illness such as headaches, digestive problems and muscular tension
- negative impact on work performance, concentration and ability to make decisions
- loss of self-esteem and feelings of isolation
- deteriorating relationships with colleagues, family and friends
- depression
- thoughts of suicide.

If you answer yes to any of these questions, you may be experiencing workplace bullying. You should also seek help from your doctor about your experiences.

If you witness unreasonable behaviour, you should bring the matter to the attention of your manager as a matter of urgency.

Talk to someone

In stressful times it can be difficult to be objective about what is happening to you. So when you're considering these questions, it might be helpful to get the perspective of another person who is not involved and who you trust, such as your:

- health and safety representative
- human resources officer
- union representative
- workplace's counselling service
- doctor.

Any discussion should be strictly confidential.

If it's not bullying

You may work out that what you're experiencing is not workplace bullying, but unlawful discrimination or sexual harassment.

Unreasonable behaviour may involve unlawful discrimination or sexual harassment which, in isolation, is not bullying.

Generally, **sexual harassment** includes unwelcome sexual advances, requests for sexual favours or other unwelcome conduct of a sexual nature that could be expected to make a person feel offended, humiliated or intimidated.

Discrimination on the basis of a protected trait in employment may be unlawful under anti-discrimination, equal employment opportunity, workplace relations and human rights laws.

Generally, unlawful discrimination is where a person or group of people are treated unfairly or less favourably than others because they have a particular characteristic or belong to a particular group of people.

Protected traits include race, colour, sex, sexual orientation, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin. For example, it would be unlawful for an employer not to employ or promote a woman because she is pregnant or may become pregnant.

For help with these matters, contact:

- Equal Opportunity Tasmania: 1300 305 062, www.equalopportunity.tas.gov.au
- Fair Work Commission: see section 15 of this guide
- The Australian Human Rights Commission: 1300 656 419, www.humanrights.gov.au

You could also contact:

- Tasmanian Chamber of Commerce and Industry: 1300 559 122, www.tcci.com.au
- Unions Tasmania: 6234 9553, unionstas.com.au

You may also work out that the behaviour seems unreasonable, but hasn't escalated into workplace bullying. If it is, and you remain upset or unhappy about it:

- raise the matter with your manager or supervisor
- talk to the person directly, if you feel confident to do so
- ask for conflict resolution or mediation or counselling, which may help the situation
- monitor the situation over time to make sure it doesn't escalate into workplace bullying.

(The Work Health and Safety Act 2012 includes specific protections around discriminating against someone for raising WHS concerns or performing legitimate safety-related functions.)

II What you can do if you're bullied

Check your workplace policy and procedure

First, see if your workplace has a bullying policy and reporting procedure. To find these:

- ask your manager, supervisor, human resources manager, or health and safety representative
- look in induction packages for new workers, training, and regular team meetings
- check noticeboards, intranets or in staff newsletters
- check other WHS policy or code of conduct documents.

The workplace bullying policy and procedure should outline how your workplace will prevent and respond to workplace bullying.

There may also be a grievance/complaint procedure in your industrial award or employment agreement.

Keep a record

Make a detailed and accurate record of what happens: the place, date, time, names of people and what was said or done, the date you raised the matter and who with.

This information may be useful later, particularly if more formal steps need to be taken. It may also help you to establish if the behaviour is actually bullying, and keep things in perspective.

Consider speaking to the other person

If any form of bullying happens to you, remaining silent allows someone (or some people) to continue intimidating you. If you don't say something, the harassment may get worse.

If you feel safe and comfortable doing so, calmly tell the other person you object to their behaviour and ask that it stop. They may not realise the effect their behaviour is having on you and your feedback may give them the opportunity to change their actions.

You may also consider suggesting an alternative way of behaving that is acceptable to you.

If you choose to deal with the situation personally, you should consider:

- acting as early as possible
- raising your concerns informally and in a non-confrontational manner
- not retaliating
- focusing on the unwanted behaviour, not the person
- being open to feedback.

Make it quite clear to the person involved that the behaviour is unwanted and unacceptable, and that if it doesn't stop, you'll take further action.

You can also ask your health and safety representative, union representative or manager or supervisor for help and to accompany you when you approach the person.

Use a counselling service

Counselling may help you develop ways of dealing with a bully or the effects of bullying.

Some workplaces offer counselling services to workers free of charge through their employee assistance program. Ask your human resources manager.

Your union may also be able to tell you about sources of support, particularly if your workplace is a small organisation where employee assistance programs or formal procedures for dealing with complaints may not exist.

Report it

Workplace bullying should always be reported. If you believe you are experiencing or witnessing workplace bullying, report it as early as possible. Your PCBU or manager can't address the problem if they don't know about it.

If your manager or supervisor is the person whose behaviour concerns you, consider reporting their behaviour to someone like your health and safety representative.

You can report workplace bullying by:

- telling your manager or supervisor
- telling your health and safety representative, who can make a report on your behalf if you give them permission, or give you advice on how to make a report (they are not responsible for resolving the matter)
- telling your union representative
- using your workplace's reporting procedure.

We've included a sample form at the end of this section you might use to record and notify any bullying behaviour.

Once you report it, your workplace's procedure for responding or investigating your report should begin. Section 12 of this guide outlines what you should expect from your workplace.

Key actions to take:

- Check your workplace policy and procedure
- Keep a record
- Consider speaking to the other person
- Use a counselling service
- Report it

Notification of bullying behaviour

This notification is about behaviour that has distressed me. The essential details are recorded below.

Name:

Is supporting information attached? Yes / No

Summary of the behaviour (details, times, dates, public or private interactions):

Relationship of person to me (manager, colleague or customer):

It's unreasonable because:

It's repeated because:

It's created a risk to my health because:

How it's made me feel:

How it's affected my work:

Low-key solutions I've considered are:

The outcome of that consideration was:

To be designed similar to this please:

I2 What you should expect of your workplace

If you tell your workplace that you're experiencing workplace bullying, or someone has made a report against you, your workplace should:

- act promptly
- treat all matters seriously
- ensure procedural fairness
- be neutral
- support everyone involved
- don't victimise
- communicate process and outcomes
- keep records
- maintain confidentiality
- maintain transparency.

These are detailed in section 8 of this guide.

Your workplace may decide to investigate reports of a serious or complex nature. We've covered this in section 9 of this guide.

If the matter is resolved, your workplace should follow-up with you at a later date to review if the actions taken have been effective. Your workplace may also provide you with ongoing support or advise you of external support or counselling services.

If you are not satisfied with the action taken by your workplace, you could contact:

- your union
- Work Safe Tasmania: see section 14 of this guide
- Fair Work Commission: see section 15 of this guide.

13 What to do if you're accused of bullying

Being accused of bullying someone can be upsetting and may come as a shock, but it's important to be open to feedback from others, and be prepared to change your behaviour.

You may be approached by the person who perceives you are bullying them; or someone (such as a health and safety representative or manager) may speak to you on their behalf. You might have upset other colleagues beyond the person coming to you.

Keep the following points in mind:

Don't dismiss the complaint

If someone approaches you about your behaviour, try to remain calm and avoid worsening what is likely to be an already difficult situation.

The other person is more likely to share their views with you in a neutral space, and if you ask open questions and don't try to justify your behaviour:

Listen carefully to the person's concerns. Apologise for causing offence and discuss how you might work together more effectively.

Reflect on the information you've been provided and decide how you will react or modify your behaviour.

If you don't understand the complaint, talk someone you trust, such as your:

- manager or supervisor
- contact/grievance officer
- health and safety representative
- union representative.

Any discussion should be strictly confidential.

If you believe you're being unjustly accused, or the complaint is malicious, discuss this with your manager or human resources officer. It may be that an informal discussion between you, the person making the report, and a third party will solve the problem.

Stop doing anything that causes offence

If you've been made aware that your behaviour is considered unreasonable, think about what you're doing, and consider stopping or changing your behaviour.

If you're found to have kept bullying someone after their objection to your behaviour was made known to you, the fact that you persisted will make the offence more serious if disciplinary proceedings begin.

Understand your rights

It is essential that people are protected against false and malicious accusations. People may be falsely accused of workplace bullying because of:

- a desire by others to harm them
- an over-reaction to a trivial or isolated incident.

Someone accused of bullying has the right to:

- be fully informed of the complaint
- be fully informed about the complaint process
- reply in full to the complaint
- be considered innocent until proven guilty
- be represented by a person of their choice
- have confidentiality maintained
- be told of any rights of appeal.

If a person accused of bullying is denied these rights, then any formal action taken against them may be overturned should they appeal against it.

Key actions to take:

- Don't dismiss the complaint
- Talk to someone you trust
- Stop doing anything that causes offence
- Understand your rights

I4 What WorkSafe Tas can do

WorkSafe Tasmania will only investigate when the bullying is still occurring, and the victim has exhausted all options within their workplace to stop the bullying.

It is the inspector's role to investigate and determine if those involved have met their obligations under the Act: for example, if the PCBU has a policy and procedure in place for preventing and responding to bullying.

It is not the inspector's role to mediate between the victim and the alleged bully or become involved in the specific details of the reported bullying activities.

The inspector may issue verbal advice and/or improvement or prohibition notices, according to WorkSafe's enforcement policy. To find out more, go to www.worksafe.tas.gov.au and search for 'enforcement'.

WorkSafe's free Advisory Service can help you develop your safety management system, and support you to create a mentally safe and healthy workplace — a known factor in preventing workplace bullying. Our Advisors can help you with practical tools and resources to do this. To book a free visit with an Advisor, call 1300 366 322.

I5 What the Fair Work Commission can do

If you reasonably believe you've been bullied at work, you may apply to the Fair Work Commission for an order to stop the workplace bullying.

The Fair Work Commission's anti-bullying jurisdiction does not cover all Australian workers (for example, those employed by local councils and state governments). The Fair Work Commission can help you identify if you're eligible to apply for an order.

The Fair Work Commission's anti-bullying jurisdiction is limited to preventing someone from being bullied at work. The Fair Work Commission cannot issue fines or penalties and cannot award financial compensation. The focus is on resolving the matter and enabling normal working relationships to resume.

For more information, and to see if you are eligible to apply for an order, go to www.fwc.gov.au or call 1300 799 675 or email hobart@fwc.gov.au

Hazard register example

Workplace / Location:

Identify hazards	Potential harm	Significant hazard?		Eliminate	Isolate	Minimise	Hazard controls	Hazard controls in place						
		Yes	No					Training Required	Date Checked	Date Checked	Date Checked	Date Checked	Review	
Bullying	Stress, increased errors affecting self and clients, anxiety disorder, health compromised	Yes	No			Minimise	Effective policy Support person identified Invest in training programme and provider Train all staff from induction Schedule ongoing training Key performance indicators for managers Key performance indicators for other staff	Induction and annual updates						Date Checked Annual or as needed



1300 366 322
www.worksafe.tas.gov.au

For more information contact

Phone: 1300 366 322 (within Tasmania)
(03) 6166 4600 (outside Tasmania)

Fax: (03) 6173 0206

Email: wstinfo@justice.tas.gov.au

ISBN: 987-1-876712-22-8