

Bullying

Australia has Federal Legislation in relation to bullying which is outlined in the *Fair Work Act 2009*. In addition, each State also has a Code of Practice, in which bullying is defined.

Workplace Bullying Definition

Bullying is repeated unreasonable (or inappropriate-WA only) behaviour at the place of work that is directed towards a worker, or group of workers, that creates a risk to health and safety.

Examples of bullying include:

- Yelling, screaming, angry outburst, name calling
- Insults, belittling, inappropriate comments about a person's appearance
- Malicious teasing or being made the brunt of practical jokes
- Unwanted physical contact (not necessarily sexual)
- Threatening or intimidating nonverbal behaviour
- Excessive or harsh criticism of work or abilities
- Isolation, ignoring the person
- Overwork, unnecessary pressure, impossible deadlines
- Underwork, deliberately withholding productive work opportunities
- Deliberately withholding work related information or resources or supplying incorrect information
- Unexplained job changes, threats of job loss or change

What to do if someone thinks they have been bullied at work

If a person thinks they are a victim of bullying, then the first thing they can do is find out if their organisation has a [policy](#) about bullying and see if it contains a definition similar to the one mentioned above. If it does, then they can use this policy to have a conversation with their manager/HR/safety rep. or any other person in authority. Tell him/her what has happened to them and why they think this is bullying. It is useful to work out what he/she want the manager/HR/safety rep. to do about it the issue and to ask for it to be done.

Possible things someone could ask their manager to do is have a chat to the person doing the behaviour and find out what their view is and then see if there is room for a combined discussion.

Sometimes people might not even know they are doing anything unlawful so giving them a chance to understand/explain their point of view is important. Someone could also ask their organisation to provide education to staff in this area, put posters up or send out emails reminding people of what is appropriate/inappropriate behaviour.

If the behaviour is very serious (either because it has been going on for a long time or is being done by someone in authority or the actual incident is serious) then someone might want to ask their organisation to formally investigate it. They should check and see if their organisation has a [grievance management document](#). If it does it should explain when a matter will be formal and what will be done. Normally a formal investigation has to be in writing and should explain what has happened by who, when and where. It is important to stick to the facts and avoid emotional language when making a formal complaint.

Once the complaint is formal then the organisation should investigate it. This means they will interview the complainant (person making the complaint) and any relevant people to support their story and they will also interview the respondent (person responding to the complaint) and any relevant people he/she has. Once they have collected all of the facts the information is then used to make a decision, usually by the CEO or equivalent.

If someone has made a complaint and it has not been handled to their satisfaction, then they can contact WorkSafe in their [State](#). WorkSafe will not normally get involved unless the person has attempted to resolve it internally and it has not been successful. WorkSafe does not represent the individual but conducts an investigation and then makes recommendations as to what the organisation has to do.

If the person works in an organisation that is covered by the *Fair Work Act 2009* AND they are currently experiencing bullying, then they can make an application to the [Fair Work Commission](#) to request the bullying behaviour to stop.

Online Compliance Training Australia do not represent individual people making complaints but we hope this information has been useful in helping work out what to do.

We do provide a comprehensive training service for organisations, to educate their staff about sexual harassment, bullying and discrimination and manager training on how to identify and manage complaints.

If you would like to know more, please call Franca Sala Tenna on 0405 134 187.