



Small business guide to workplace relationships: Preventing and managing bullying

The aim of The Occupational Health and Safety Act 1984 is to ensure all businesses are responsible for providing safe systems of work to reduce the risk of employees' being exposure to hazards. This information sheet is to assist small businesses to be actively involved in bullying prevention initiatives.

What is workplace bullying?

Not every unpleasant interaction, instance of disrespectful behaviour, or workplace conflict is bullying. Bullying may include:

- Any inappropriate conduct or comment by a person towards an employee that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated.

Examples of conduct or comments that might be bullying include but are not restricted to:

- Verbal aggression or insults
- Calling someone derogatory names
- Harmful hazing or initiation practices
- Vandalising personal belongings
- Spreading malicious rumours

It excludes:

Intent does not determine whether the behaviour is bullying. A person cannot excuse his or her behaviour by saying he or she did not intend to be humiliating or intimidating.

- Any reasonable action taken by an employer or supervisor relating to the management and direction of employees at the place of employment.

What is not considered workplace bullying

Bullying should not be confused with performance management such as duties, workloads and deadlines. However, managers and supervisors should ensure performance problems are identified and addressed in a reasonable, constructive and objective way otherwise it may constitute a bullying behaviour.

Preventing workplace bullying - checklist

Below is a checklist that organisations can refer to when developing bullying prevention procedures in accordance with the Code of Practice: Violence, Aggression and Bullying at Work (2010). Each NO answer indicates that a review of your procedures may be necessary:

1. Are the procedures incorporated into existing grievance procedures?
2. Are the procedures in plain English and, if necessary, other languages?
3. Are the procedures fair and equitable?
4. Are the procedures designed to resolve the problem as quickly as possible?
5. Do the procedures ensure natural justice principles are upheld?
6. Do the procedures ensure that the alleged bully has the opportunity to answer allegations?
7. Do the procedures ensure privacy and confidentiality?
8. Do the procedures include informal and formal procedures?

9. Do the procedures promptly and properly deal with complaints?
10. Do the procedures include disciplinary action if warranted?
11. Do the procedures include methods for ensuring people are not victimised as a result of lodging a complaint?
12. Do the procedures include provision for the employer to make changes to the workplace to ensure that any breach of occupational safety and health legislation is rectified and the bullying ceases?
13. Do the procedures include provision for counselling/coaching for the alleged bully to enable them to recognise and take action to change their behaviour?

Responding to bullying complaints

Developing policies to prevent bullying in the workplace is a positive step to improving the work environment but the organisation is required to handle bullying complaints once they have taken place as well. The following points should be considered when responding to bullying complaints:

Is the problem actually bullying?

1. Is the behaviour inappropriate or unreasonable?
2. Does the behaviour create a risk to safety or health?
3. Does the behaviour harm or offend?
4. Is the behaviour unreasonable work related direction, feedback or discipline?

Informal complaint handling

1. Are all parties aware of their obligations and rights?
2. Has the complainant requested the assistance of a third party to mediate or facilitate face-to-face discussions and to find a resolution that is acceptable to both parties?
3. Is there a need for a Contact Officer or Grievance Officer?
4. Is the complainant aware of complaint handling procedures available to them?

5. Does the complainant have support within the workplace, e.g. safety and health representatives, other appropriate workers and/or union representatives?
6. Are professional development programs available to assist complainants in developing resilience, self-esteem, assertiveness etc.?

Formal complaint handling

1. Have the details of the allegation been recorded, i.e. specific incidents with places, dates, times, what was said, done etc.?
2. Is a formal investigation warranted?
3. Is the person undertaking the investigation not involved or connected to the particular incident?
4. Is it appropriate to offer alternative working arrangements to avoid further conflict while the bullying complaint is being investigated?
5. Do affected employees require access to counselling?
6. Are the outcomes of the investigation documented?
7. Is there a timeframe for actions to be completed?
8. Has confidentiality been maintained?
9. Have all parties been provided with information as to the progress of the investigation and the final outcome on a "need to know" basis?

Should the matter be reported to authorities?

1. Does the complainant feel they could not report the workplace bullying to anyone at the workplace?
2. If reported at the workplace, after formal procedures have been completed, has the matter remained unresolved?
3. Has there been a notifiable injury or illness under the Act

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that should be reported to WorkSafe?

4. Does the complaint involve physical/sexual assault or other potentially criminal activities?
5. Does the allegation involve behaviour based on individual attributes covered by Equal Employment Opportunity legislation, e.g. religion or race?

Informing employees of the policy

All employees must be informed of the workplace bullying prevention policy and the steps taken to prevent or minimise bullying. Ways that employers could do this include but are not limited to:

- During new employee orientation programs or safety/staff meetings
- Notices could be posted in visible, high-traffic locations around the workplace
- Periodic email reminders could be sent.

Training workers and supervisors

Employers must ensure that all employees are trained in accordance to their responsibilities, especially for managers and supervisors. All employees must be trained to recognise the following:

- How to recognise bullying
- How employees who experience or witness bullying should respond
- Procedures for reporting, and how the employer will deal with incidents or complaints of bullying.

Annual review

For bullying prevention strategies to be effective they need to be current and practical, this requires a review of:

- The organisation's bullying prevention policy statement
- Steps to prevent or minimise workplace bullying
- Reporting procedures
- Procedures for dealing with incidents and complaints.

Employee requirements

Whilst a large emphasis is placed on employer responsibilities to educate employees and ensure policies are upheld, employees have obligations under the OSH Act as well and these include:

- Not engaging in bullying of other employees
- Apply and comply with the employer's policies and procedures on prevention and management of bullying
- Report any hazards that they are unable to address themselves
- Report any workplace injury or harm to health that has occurred.

For more information on bullying visit the WorkSafe WA website or call 1300 307 877.

Acknowledgement: Material within this publication has been sourced from WorkSafe British Columbia.

A8283138

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