

# VIEU Hazard Information Brochure

## Bullying in the Workplace

This information brochure is designed to assist Health and Safety Reps, Sub-branch Reps and members deal with bullying in the workplace. The focus is on what to expect from your employer about how the hazard of bullying should be identified and prevented.

### What is workplace bullying?

The Prevention of Workplace Bullying and Occupational Violence Guidance Note 2003 defines bullying as:

**“Workplace bullying is repeated, unreasonable behaviour directed toward an employee, or group of employees, that creates a risk to health and safety.”**

Within the definition:

**“Unreasonable behaviour”** means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten

**“Behaviour”** includes actions of individuals or a group, and may involve using a system of work as a means of victimising, humiliating, undermining or threatening. Behaviour is considered repeated if an established pattern can be identified. It is the persistent nature of the behaviour that is important, not necessarily the specific behaviour types. A series of incidents of verbal abuse, deliberate damage to personal property and threats of dismissal would be considered repeated behaviour of a bullying type.

**“Risk to health and safety”** includes risk to the mental or physical health of an employee.

### What are some examples of bullying behaviour?

When repeated or part of a pattern of behaviour, the following examples could be considered bullying.

- Verbal abuse – inappropriate or offensive comments about people, their appearance, dress, work performance
- Intimidation – threats of the sack or demotion, being constantly put down.
- Constant humiliation, constantly being criticised – inappropriate practical jokes and/ rumours
- Psychological harassment – undermining of work performance
- Deliberate alteration of workload to inconvenience particular persons, being overloaded and not enough time to complete tasks.
- Deliberate withholding of work-related information necessary for an employee to effectively complete a task
- Exclusion from consultation or work related events

### Legal Standards

Employers have a duty of care under section 21(1) of the Occupational Health and Safety Act to so far as is reasonably practicable, provide and maintain for employees of the employer a working environment that is safe and without risks to health. The Act also imposes a duty upon employers to consult with the health and safety rep about the identification and assessment of hazards and the decisions taken to control the risks of those hazards. The employer may be in breach of the Act by failing to consult with the health and safety rep or provide information, instruction or training to employees about the prevention of workplace bullying. The Prevention of Workplace Bullying and Occupational Guidance Note 2003, while not enforceable on its own, adds to the knowledge an employer ought to possess about this hazard and provides valuable strategies for employers to meet their obligations.

## **What to expect from your Employer**

The focus must be on changing the work environment and/or work arrangements to eliminate or reduce as much as possible the exposure to workplace bullying. Workplace bullying is a hazard and must be treated in the same manner that any other workplace hazard is treated.

### **1. Demand Consultation.**

The employer has a duty to consult with the health and safety rep about identifying whether bullying is a problem in the workplace, how to communicate the message of prevention and ways to successfully implement proposed prevention strategies. The employer is also required to provide employees with information and in the process of consultation provide a reasonable opportunity for employees to express their opinions and take account of those opinions. Developing effective prevention strategies means the health and safety rep and members of the DWG have been consulted in a meaningful way about strategies for raising awareness, a prevention policy, procedures for reporting incidents of bullying, procedures for investigating incidents and resolution procedures. Consultation must occur at every stage of the prevention process and must include adequate time and opportunity for the health and safety rep to meet with the DWG.

### **2. Create Awareness**

Convene a meeting of the designated workgroup (DWG). The prevention approach assumes that bullying can occur in any workplace given certain circumstances and although bullying may not be recognised as being present, it could still be occurring. Discuss with the DWG any arrangements in place at your school to prevent workplace bullying, why workplace bullying is an issue and why its prevention is essential. Awareness raising should communicate to everyone how to recognise bullying, the potential effects of bullying and where to get more information.

### **3. Policy Development.**

The DWG may determine an existing policy needs to be reviewed or updated. The policy should make a clear statement that bullying will not be tolerated in the workplace and should include clear procedures for reporting and resolving incidents of bullying. The policy may be incorporated into existing harassment policy but it should demonstrate employer commitment to prevention and should be specific to your school. The health and safety rep and DWG should be consulted at every stage of development or review of the policy. If there is no existing policy or the current policy is inadequate the DWG should call upon the employer to implement steps to develop an appropriate policy.

#### **4. Provision of Information and Training.**

Bullying is often associated with lack of clarity, skill or knowledge about how employees in positions of leadership and responsibility should execute their role. Employers have a duty to ensure employees are provided with the level of information and training they need to do their job and that any supervisory duties they have in relation to other employees are clear and well understood. As a minimum all employees need detailed information and training about the workplace prevention policy, how to comply with it, strategies used in the workplace to prevent bullying, how to make a report of bullying and how the school will deal with allegations of bullying.

#### **5. Identifying Risk Factors**

It is important to realise that the source of bullying is usually somewhere inside the workplace and is often subtle. It can be difficult to recognise and because there are no obvious indicators it cannot always be assumed bullying is not happening. There are a variety of risk factors that may give rise to bullying. An authoritarian style of management, organisational change and uncertainty, minimal participation in workplace decision making, fear of redundancy, an extremely competitive work environment, lack of role clarity, training and professional development, excessive workloads and demands, no effective procedure or process for issue resolution. Risk factors can be identified through issues at DWG meetings, health and safety committee, reports from the health and safety rep or through the use of workplace surveys.

#### **6. Controlling the Risk**

Consultation between the employer and the health and safety rep should occur prior to any strategies being implemented to control the risk. Preventative measures should target the source of the risk and where this is the Principal or senior administration, Worksafe and VIEU should become involved in risk control.

#### **7. Develop a Workplace Culture of Reporting**

Underpinning a culture of reporting is the challenge of overcoming the reasons why persons affected by bullying are reluctant to report and the need to develop or refine reporting procedures. Reporting procedures should be developed in consultation with the health and safety rep and DWG. The procedures need to be appropriate to the size and nature of the workplace, but above all, employees need to trust and have confidence in the process. A culture of reporting can assist to control the risk by giving the employer an accurate assessment of the extent of the presence of bullying and assist in addressing the issues identified. A reporting culture may also assist in judging the effectiveness of preventative measures already being used and provide swift assistance to employees identifying issues of bullying.

## **8. Incident Response.**

There must be an agreed procedure in the workplace for dealing with allegations of bullying. The procedure must be developed in consultation with the health and safety rep and must be understood and used by all employees who report an incident. If there is no agreed procedure, the employer must follow the procedure set out in the Issue Resolution Regulations 1999. The level of response to an allegation of bullying should be appropriate to the nature of the allegation. The following three possible responses may be used to resolve an allegation:

- Direct response – involves a clear request for the behaviour to stop and may be made by the person affected or another person on their behalf
- Discussions involving an independent third party – aims to resolve the matter with as little conflict and stress as possible but relies on the consent and agreement of all parties and the recognised independence of the third party. This approach does not suit all circumstances in which an allegation of bullying has been made.
- Formal investigation – should be conducted by a skilled impartial person making certain the principles of natural justice are observed, the affected parties remain informed of the process and that the investigation and its outcomes are documented. The aim of a formal investigation is to determine whether or not the allegation has been substantiated

## **9. Post Incident**

The health and safety rep, health and safety committee and DWG should ensure the employer examines and monitors the workplace to identify factors that may have contributed to the bullying situation. Risk management means adopting measures to prevent the issue occurring again, either to the person who reported the incident or to any one else.

## **Health and Safety Reps – Action Plan to Stop Bullying.**

Suspected workplace bullying should be confronted as quickly as possible.

### **1. Collect Evidence**

An individual who feels they are being bullied should keep a diary of incidents detailing dates, times and description of what happened and how they were affected. The names of persons present, including witnesses should also be recorded. Retain any notes, e-mails, pictures or memos that relate to the incident. As health and safety rep you may wish to survey the DWG about the presence of risk factors and the condition of the workplace. You are also entitled to access information the employer has about bullying in the workplace.

### **2. Contact VIEU**

The prevention of workplace bullying is Union business. VIEU organisers should be contacted as quickly as possible when bullying is suspected or the health and safety rep considers the employer is not meeting their obligation to identify and prevent bullying from occurring.

### **3. Issue Resolution**

Be prepared to issue a Provisional Improvement Notice (PIN) if your employer is reluctant to do anything about reported incidents of bullying. You may also issue a PIN in circumstances where the employer is reluctant to consult with you about identifying risk factors or implementing measures to prevent bullying, including the development of policy.

### **4. Involve the DWG**

Whilst confidentiality is essential to those involved in any incident of alleged bullying it is important the DWG acts to ensure the employer meets its obligation to provide and maintain a safe workplace.

## **More Information**

- VIEU Policy – Workplace Bullying
- VIEU Policy – Handling Complaints Against Staff
- WorkSafe Victoria – Prevention of Bullying and Violence At Work Guidance Note 2003
- Occupational Stress and Workplace Bullying – VIEU Survey
- Occupational Health and Safety Act 2004
- Occupational Health and Safety (Issue Resolution) Regulations 1999