

## BULLETIN

# Dealing with bullying at work – workers

Employers have a duty of care under Section 55 of the *Workplace Health and Safety Act 2007* to ensure that workers and others are not exposed to risks to health or safety arising from the conduct of the employer's business. Employees are also obliged to take reasonable care under Section 59 Duties of workers. These risks include unacceptable activities such as bullying.

This bulletin should be read in conjunction with NT WorkSafe information bulletin *Prevention of bullying at work – employers*.

## What is workplace bullying?

Bullying at work can be defined as repeated, unreasonable or inappropriate behaviour directed towards a worker, or group of workers, that creates a risk to health and safety.

While some workplace bullying may involve verbal abuse and physical violence, bullying can also involve subtle intimidation. Workplace bullying can be carried out indirectly, for example via letters, emails or telephone text messages. Initiation practices are also a form of bullying.

An individual or a group may instigate bullying. The term workplace mobbing is sometimes used to refer to abusive group behaviour that is prolonged or systematic in nature, and may include upward bullying, where a group of workers exhibit bullying behaviour towards a manager or person in authority. The intent is usually to try to drive a worker from the workplace. Workplace bullying can take place between workers and other workers, managers or supervisors, customers or clients, students, contractors, or visitors.

## Workplace culture

Any behaviour that has the potential to harm or offend someone should be identified as a hazard and assessed for its risk to safety and health. Even one-off bullying incidents are unacceptable, because unless addressed, they can develop into a repeated pattern that becomes part of the culture at the workplace.

There are bound to be occasional differences of opinion, conflicts and problems in working relationships, these are part of working life. But when treatment of another person is unreasonable or offensive, then workplace bullying exists and should not be tolerated.

## Bullying behaviours

All workers and other people at workplaces are potentially at risk of experiencing some form of bullying. Different researchers have found examples of victims who are younger, weaker, smaller, less skilled and those with less social skills, as well as those who are highly skilled, competent and high achievers, who are trusting, creative, and politically inept and have a high degree of loyalty to the organisation.

Bullying may include violence and aggression. Where bullying involves assault or threat of assault it may become a police matter. Some bullying behaviours may also be unlawful under other legislation, for example the *Anti-discrimination Act* covers sexual and racial harassment.

There are two main types of bullying behaviour, overt and covert.

### **Overt bullying**

*Examples of overt, or obvious, bullying include:*

- abusive, insulting or offensive language;
- behaviour or language that frightens, humiliates, belittles or degrades, including criticism that is delivered with yelling and screaming;
- inappropriate comments about a person's appearance, lifestyle, or their family;
- teasing or regularly making someone the brunt of pranks or practical jokes;
- interfering with a person's personal effects or work equipment;
- harmful or offensive initiation practices; and
- physical assault or threats.

### **Covert bullying**

*Covert or more subtle behaviour that undermines, treats less favourably or disempowers others is also bullying, for example:*

- unreasonably overloading a person with work;
- setting timelines that are difficult to achieve or constantly changing deadlines;
- setting tasks that are beyond a person's skill level;
- ignoring or isolating a person;
- deliberately denying access to information, consultation or resources; or
- unfair treatment in relation to accessing entitlements such as leave or training.

### **What isn't bullying?**

All employers have a legal right to direct and control how work is done, and managers have a responsibility to monitor workflow and give feedback on performance. If a worker has obvious performance problems, these should be identified and dealt with in a constructive and objective way that does not involve personal insults or derogatory remarks. In situations where a worker is dissatisfied with management practices, the problems should also be raised in a manner that remains professional and objective.

There should be grievance or complaint procedures that can be utilised to resolve such matters.

### **What are the possible effects of bullying?**

The reactions of individual workers will vary according to the nature of the bullying. It is possible that workers who are bullied will experience some of the following effects:

- stress, anxiety, sleep disturbance;
- panic attacks or impaired ability to make decisions;

- incapacity to work, concentration problems,
- loss of self-confidence and reduced output and performance;
- depression or a sense of isolation and in extreme cases, risk of suicide;
- physical injury; and/or
- reduced quality of home and family life.

The costs to an organisation may include reduced efficiency, unsafe work environment, increased absenteeism, poor morale, increased workers compensation claims or civil action.

## **What can you do about it?**

Bullying can be stopped. How you handle bullying will depend on your particular work environment and the nature of the bullying. Every situation is different. If you are being bullied, you could take action informally or follow a more formal approach.

### ***Informal procedures***

The following informal steps are recommended as a first approach in dealing with most bullying cases:

#### ***Check for a workplace bullying policy and a prevention and management plan***

Check whether your employer has a bullying policy and a prevention and management plan/complaint procedure for dealing with bullying at work. It may be available in the organisation's induction package for new workers, or it may be included in in-house newsletters or displayed on notice boards. There may also be grievance/ complaint procedures in your industrial award or employment agreement.

#### ***Seek advice***

Seek advice from your supervisor or grievance officer, Health and Safety Representative (HSR), human resources officer or union official. Generally speaking, You should not make allegations about bullying behaviour or harassment to people who are not involved in the handling of complaints in your workplace complaint procedure. All people are entitled to natural justice, are protected by confidentiality provisions in law and may be able to take action if the complaint is not handled properly.

#### ***Keep a record***

Make a detailed record of what happened – place, date, time, people and what was said or done, date the matter was raised and with whom. Ensure that your records are accurate.

This information may be useful later, particularly if more formal steps need to be taken.

#### ***Consider approaching the bully***

A decision should be made as to whether to approach the bully. If you take this option it should only be done in the very early stages of the behaviour, not when bullying is established.

- Seek advice before approaching the bully
- Ensure you are not alone
- When approaching the bully do so in a firm voice and avoid justifying oneself to the bully
- Keep a record of the approach to the bully and incidences that occurred afterwards

You may want to discuss your approach with a contact or grievance officer before acting. Your records may assist in deciding which approach to take. An informal approach can be used to attempt to resolve bullying issues with minimal stress to both parties. However, if the bullying continues, formal procedures should be used.

Body language is also an effective way to communicate, especially when combined with a clear statement. Make it quite clear to the person involved that the behaviour is unwanted and unacceptable, and that if it doesn't stop you will take further action.

Another alternative to stop the behaviour is to ask someone else, such as a contact officer, a grievance officer or an appropriate support person to approach the person with you.

### ***Use a counselling service***

Some workplaces offer counselling services to employees. This may be provided free of charge through your organisation's employee assistance program. Counselling may help you to develop ways of dealing with a bully or the effects of bullying. Your human resources officer should have information on an employee assistance program if there is one. Your union may also be able to provide information on sources of support, particularly if your workplace is a small organisation where formal procedures for dealing with complaints may not exist.

### **Formal procedures**

Formal procedures may be required if the informal procedures are not successful in situations where the bullying is well established or allegations are more serious. An independent person, or grievance officer who is not involved in the particular situation, should carry out the investigation and you should be advised of the outcome. Formal procedures involve lodging a written complaint to your employer. As part of a formal investigation, the grievance officer completing the investigation should document your report and keep a record of information gathered in the course of the investigation.

Where there are Health and Safety Representatives (HSRs) in your workplace they are able to assist you to deal with workplace bullying through the complaint procedure. The functions of an elected HSR include liaising with workers on safety and health matters, and reporting to the employer any hazard or potential hazard to which workers might be exposed. Where there is a safety and health committee, the safety and health representative may refer the matter to the committee.

However, the HSR is not obliged to mediate or resolve bullying issues. Consultation between the employer, HSRs and safety committees should be part of the processes used to develop bullying prevention and response strategies. Consultation should also be part of the ongoing monitoring and review of the effectiveness of the strategies put in place.

## End results

In situations where the employer concludes that the complaint of workplace bullying is justified, there may be disciplinary action, usually in accordance with workplace policy and with relevant legislation. The employer is also required to make changes to the workplace to ensure that any breach of occupational safety and health legislation is rectified and the bullying ceases. These changes may include counselling for the alleged bully to enable them to recognise and take action to change their behaviour.

## Further action

If you are not satisfied with the action taken regarding your complaint, you should consult with a grievance officer in your workplace or contact your union for further advice.

Section 29 of the *Workplace Health and Safety Act 2007* requires employers to ensure that workers are given the opportunity to express their views on, and to contribute to the resolution of, occupational health and safety issues at the workplace. The Act also requires employers to attempt to resolve safety and health issues with the HSR, safety committee or workers, according to the relevant procedures for the workplace.

## The role of NT WorkSafe

Generally NT WorkSafe will only conduct enquiries when the bullying is still occurring and the aggrieved person has exhausted all avenues to stop the bullying, such as reporting the hazard to the employer and trying to resolve the issue.

**It is NT WorkSafe's role to enquire into and determine whether all parties have met their obligations under the Act. It is not NT WorkSafe's role to become involved in the specific details of the alleged bullying activities or to mediate between the aggrieved person and the alleged bully.**

These enquiries may result in verbal advice from NT WorkSafe, and/or an improvement notice requiring the implementation of processes to deal with bullying issues being issued, in accordance with NT WorkSafe's compliance policy.

**For further information please contact NT WorkSafe on 1800 019 115 or go to [worksafe.nt.gov.au](http://worksafe.nt.gov.au)**