

**BULLETIN**

# Prevention of bullying at work – employers

Employers have a duty of care under Section 55 of the *Workplace Health and Safety Act 2007* to ensure that the health and safety of workers and others are not exposed to risks to health or safety arising from the conduct of the employer's business. These risks include unacceptable activities such as bullying. This document should be read in conjunction with NT WorkSafe information bulletin *Dealing with bullying at work – workers*.

## 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.

## Consultation

An employer has a duty to consult with his or her employees on health and safety matters that affect them, particularly if there is no elected health and safety representative (HSR). Consultation with HSRs and the health and safety committee (where appropriate) should precede all proposed action to reduce the risk of bullying. If there is no elected HSR, direct consultation with employees will help an employer to identify which prevention action may be needed.

Consultation will help an employer to:

- establish whether bullying is a problem in the workplace
- determine the best way of communicating the prevention message
- successfully implement prevention measures

There are a number of ways in which an employer can consult in the workplace, including direct discussion, staff meetings, tool box meetings, health and safety committee meetings, and special working groups.

When developing prevention methods, consultation should take place as early as possible. Enough time should be allowed for health and safety representatives to discuss bullying issues with employees in their designated work group and with the employer.

When consulting, an employer should consider the needs of any employees from non-English speaking backgrounds.

## **What to consult about**

Consultation should occur regarding the development of:

- strategies for raising awareness
- a 'no bullying' policy
- procedures for reporting incidents
- procedures for investigating incidents
- bullying resolution procedures

Consultation should also occur when identifying bullying risk factors and developing measures to address risk factors.

## **Create awareness**

As a first step in creating a workplace free of bullying, employers should promote awareness of the issue among employees, including managers and supervisors. By raising awareness, employers will be in a better position to identify workplace bullying, or circumstances in which bullying could occur.

In workplaces with preventative measures in place and no record of workplace bullying, awareness raising reinforces management commitment to a bullying-free working environment.

In workplaces considering steps to manage the issue of bullying for the first time, awareness raising should make clear to everyone that bullying is unacceptable and that incidents of such behavior should be reported.

Awareness-raising information should communicate:

- how to recognise bullying
- the possible effects of bullying
- where to get further information

Channels of communication may include formal training sessions, staff bulletins, intranet, staff meetings and informal discussion groups. In particular, information should be provided when:

- recruiting employees (including appointing or promoting managers and supervisors) running induction training
- engaging contractors or supplying services to others

## Develop a policy

A 'no bullying' policy outlines an organisation's standards of workplace behaviour and makes a clear statement that bullying will not be tolerated. The policy can be developed on its own, or it may be included in relevant existing OHS policies.

Another option could be to include it in a policy that covers workplace behaviour. Some organisations may want to include reference to occupational violence in their 'no bullying' policy, instead of having a separate policy on this issue.

When developing a 'no bullying' policy, the employer should consult with elected health and safety representatives. It is a good idea to also consult employees directly on the policy.

The policy should be:

- written in plain language
- provided in languages other than English where appropriate
- displayed where all employees can read it
- communicated to employees at relevant times

The size of an organisation will usually determine the level of detail needed in the policy. In large organisations, a more detailed policy may be required to cover the range of situations that may arise. Smaller organisations may prefer a simpler policy.

## Building commitment to the policy

An employer can create commitment to the policy by:

- developing a policy that is specific to the workplace
- consulting with employees on the development of the policy and providing an opportunity to comment on a draft policy
- securing the commitment of the chief executive/employer to the policy and involving them in policy development
- ensuring the policy is adhered to and consistently applied

## Inform, instruct and train

Employers have a duty to make sure that their employees are provided with the information, instruction, training and supervision they need to do their jobs safely and without risks to health.

The specific mix of information, instruction and training needed to reduce the risk of bullying in a particular workplace will depend on the specific needs of the employees and the workplace.

Bullying has been linked to situations of role conflict and uncertainty. Employers should make sure that employees understand their role and have the appropriate skills to do their job. This includes making sure that employees who supervise others have appropriate skills and if necessary, giving them training to acquire the skills before starting supervisory duties.

Employees who have a designated role in handling reports of bullying will need specific training to assist them to carry out this task.

Employers should also ensure that information about workplace bullying, including any relevant policies and procedures, is readily available to all employees.

Topics to cover via information, instruction or training include:

- full details of the 'no bullying' policy
- how to comply with the policy
- measures used in the workplace to prevent bullying
- how to make a report
- how the organisation deals with bullying

Information, instruction and training may need to be tailored to meet the special needs of particular employee groups. "Special needs" may relate to work experience, gender, disability, ethnicity and/or literacy.

## Identify risk factors

Workplace bullying is often subtle or hidden. Those with little direct experience of bullying may find it difficult to identify. Employers should not assume that the workplace is free of bullying simply because there are no immediately obvious signs. There are a number of risk factors that can increase the likelihood of bullying occurring in a workplace.

Bullying risk factors can be revealed through:

- reports from health and safety representatives
- workplace audits
- organisational climate/employee opinion surveys
- issues raised by workplace health and safety committees

## Indirect signs of bullying

In a workplace, bullying can sometimes be signaled indirectly. Because these signs may not always be connected with bullying, they need to be examined within the overall context of the organisation.

### ***Indirect signs of bullying may include:***

- employees leaving the organisation reporting dissatisfaction with working relationships (eg. at exit interviews)

- high levels of absenteeism associated with particular shifts
- an increase in workplace grievances or complaints
- negative results from employee surveys
- high levels of staff turnover
- issues raised at staff meetings
- deterioration of relationships between colleagues, customers or management
- regularly torn clothing/uniforms
- regularly damaged personal effects or work tools
- an employee experiencing a number of minor workplace injuries
- employees becoming withdrawn and isolated
- increased levels of sick leave
- workers compensation claims
- a drop in an employees work performance

## Other factors that can contribute to risk

There are a number of workplace factors that can contribute to the risk of workplace bullying. The presence of these factors does not necessarily mean that bullying is occurring in the workplace, but may point to a greater risk of bullying taking place, or occurring at a future time.

These factors are:

- **Organisational change**

Research has identified that significant organisational change, such as major internal restructuring or technological change, may inadvertently create an environment that increases the risk of bullying.

- **Workforce characteristics**

Employers should be aware that some employees can be more at risk of workplace bullying. These employees may represent a minority in the workplace due to factors such as age, gender, ethnicity, disability, parental status, religion or political views. They may also be new employees, apprentices, trainees, contractors or casuals. They may even be high performers and competent employees.

- **Workplace relationships**

Unsatisfactory workplace relationships and poor workplace communication, such as inadequate information flow or lack of consultation with employees, may create an environment in which workplace bullying is more likely to occur.

Workplaces that tolerate teasing and practical jokes against employees, or tolerate initiation practices for new employees, are more likely to experience workplace bullying.

## Work systems

Work system factors that may increase the risk of workplace bullying include:

- lack of appropriate policies and procedures
- a high rate and intensity of work
- staff shortages
- lack of experience and skill in dealing with employee groups
- poorly-defined jobs and high levels of uncertainty about job requirements

## Control the risks

If risk factors have been identified, the employer should take action to eliminate or reduce the likelihood of bullying occurring in their organisation. Preventative measures should target the source of risk, and may involve an organisation-wide response as well as addressing symptoms in a specific area. Where multiple risk factors are identified, there is a greater likelihood that a section or organisation-wide response is required. A combination of measures may need to be used. Action may include:

- providing appropriate training, particularly to those with supervisory responsibilities
- consulting employees and health and safety representatives prior to and during organisational change
- redesigning and clearly defining jobs
- developing a conflict management process
- reducing excessive working hours
- reviewing resource availability
- reviewing staffing levels

Where employees have been identified as being at a higher risk of bullying, such as apprentices, the employer may want to consider additional measures, such as:

- a 'buddy' system for new employees
- workplace relationships monitoring
- additional employee training (eg. workplace diversity and tolerance)
- specific training for supervisors/managers dealing with employees at higher risk

## Encourage Reporting

An employer should encourage reporting because there are factors that can make employees reluctant to report.

Encouraging reporting can assist the employer to:

- develop an accurate picture of the nature and extent of bullying
- take action to address the issues being reported
- assess whether prevention measures are working
- nip emerging issues 'in the bud'
- provide prompt assistance and support to employees

### ***Developing reporting procedures***

Employers may find it helpful to examine the performance of existing workplace reporting procedures.

If there is no reporting procedure in place or the existing system is not appropriate, an employer should develop a reporting procedure to pick up and address reports of workplace bullying. It is also important to identify and address any circumstances in the workplace that may make employees reluctant to report.

Procedures should be developed to suit the size and structure of an organisation. The procedure should be flexible enough to accommodate the various ways of dealing with a report of bullying, such as informal discussions or formal investigations. Any procedure should ensure confidentiality and fair treatment for those involved.

### ***Responding To Incidents/Reports***

An employer may find out about bullying in a number of ways, such as:

- written reports
- verbal reports
- hearing verbal abuse or offensive language
- directly observing bullying type behaviour

### ***Resolution process***

Each situation that is reported or observed will usually be different. Therefore, to ensure a consistent approach, it is important to have an agreed procedure in the workplace for dealing with reports. An employer should develop a workplace bullying resolution procedure in consultation with health and safety representatives. It is also a good idea to consult directly with employees, especially where there is no health and safety representative.

Once a report has been made, there are a number of key principles that should guide the employer's response. These principles should be built into any procedures developed for the resolution process.

## **Key principles**

- treat all matters seriously
- act promptly
- non-victimisation of person who reports
- support for both parties
- impartiality
- communication of process
- confidentiality
- documentation
- natural justice

Treating all reports seriously encourages reporting and shows employees the organisation's commitment to its 'no bullying' policy. Prompt intervention can assist in resolving reports as quickly and as fairly as possible. It is important to ensure that anyone who raises an issue of bullying is not victimised for coming forward.

Once a complaint has been made, the person or persons involved should be told of the support systems available to them. These can include employee assistance programs and peer support systems. The person or people against whom the allegations have been made should also be informed of opportunities for support.

In addition, all employees involved should be allowed to have a support person present at interviews or meetings (eg: health and safety representative, union representative or friend).

The person in charge of an investigation or resolution should never have been directly involved in the incident they are investigating or attempting to resolve. Impartiality towards all parties involved is critical. Everyone involved should have confidence in the person who is undertaking the resolution process.

All parties need to be informed of the resolution process, how long it will take and what they can expect will happen during and at the end of the process. Note: It is very important to communicate with the person who has made a complaint when any delays occur.

Those involved need to be assured that confidentiality will be maintained. This is important in case the matter is not proven and to prevent the matter from escalating.

Documentation is important to any formal investigation or resolution action. Even if the matter is not formally investigated, a record should be made of all meetings and interviews detailing who was present and the agreed outcome(s).

The principles of natural justice should be followed in all formal investigations. These principles are designed to protect all parties involved

## **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 being issued, in accordance with NT WorkSafe's compliance policy.

## **Useful Contacts:**

- NT Anti-Discrimination Commission
- NT Working Women's Centre
- Human Rights and Equal Opportunities Commission
- Employee Assistance Service
- Fair Work Australia
- Unions NT

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