Bullying 3.
Recognising and responding to bullying.
Disclaimer

This Guide provides general information about the obligations of persons conducting a business or undertaking and/or persons in control of premises and workers under the Work Safety Act 2008. The Guide gives some suggestions for complying with these obligations. However, this Guide is not intended to represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. Full details of legal obligations and responsibilities are set out in the Work Safety Act 2008 referred to in this Guide. If you refer to the legislation you should take care to ensure that you use the most up-to-date version, available from www.legislation.act.gov.au. You should seek legal advice if you need assistance on the application of the law to your situation.

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Recognising and responding to bullying

Contents

The Four Step Process .............................................. 5
Step One – Identify the Hazard .................................. 6
Step Two – Assess the Risk Factors ......................... 6
Step Three – Controlling the Risk Factors ................. 7
Step Four – Evaluation and Review .......................... 8
Workplace bullying is a growing problem in Australian Workplaces. It is estimated by the Australian Psychological Society (2008) that 70% of employees in the Australian workplace have been the victim of bullying at work at some point in their working experience. Of the remaining 30% of the sample studied, 13% indicated that they had witnessed bullying at work. Bullying is not acceptable under any circumstances and may lead to the development of serious psychological injury.

The ACT Worksafe Commissioner views workplace bullying as a serious risk to the health and wellbeing of workers. As such it should be treated like any other significant workplace hazard.

The Four Step Process Model outlined below has been reproduced from the Stop Bullying in SA program. It is a guide to conducting a health and safety risk assessment with regard to workplace bullying.

**The Four Step Process**

(for addressing workplace bullying as a work safety hazard)

1. **Step 1** Identifying the hazard
2. **Step 2** Assessing the risk.
3. **Step 3** Controlling the risk
4. **Step 4** Evaluating and reviewing the process.
Step One – Identify the Hazard

The first step in the process is establishing whether bullying exists in the workplace, or whether there is the potential for bullying to occur at some point in the future. Workplace bullying is often subtle or hidden. Although there may be no obvious signs of workplace bullying, it does not mean that such behaviour or conduct does not exist.

The onus is on the employer to actively take reasonable steps to help to identify whether workplace bullying exists, or has the potential to exist. It is, therefore, recommended that employers:

- consider the work required and work procedures, to determine if there are factors in the workplace that make it more likely that bullying can occur
- focus on the systems of work rather than on the individuals
- conduct a survey of employees on the issue of workplace bullying
- monitor patterns of absenteeism, sick leave, staff turnover, grievances, injury reports and other such records to establish any regular patterns or sudden unexplained changes
- monitor deterioration in workplace relationships between employees, clients and/or managers
- monitor feedback from exit interviews or feedback given directly from managers/supervisors or any other internal or external party.

Refer to the suggested Identification Checklist at Appendix One.

Step Two – Assess the Risk Factors

The second step involves determining, in consultation with those affected, the specific behaviours and circumstances that may result in incidents of workplace bullying and then assessing the likelihood of these behaviours affecting the health, safety and welfare of employees.

Employers should check whether the following situations are occurring, or have been identified through the process undertaken in Step 1.

- repeated, unjustified criticism
- threats of punishment for no justifiable reason
- overloading a particular person with too much work or an unreasonable share of unpleasant jobs
- constant unwarranted or unjustified checking of an employee’s work quality, output or whereabouts
- humiliating a person through constant criticism, sarcasm and/or insults, especially in front of other staff, customers or clients
- denying opportunities for training, promotion, interesting jobs or assignments
- deliberately with-holding information necessary for a person to be able to perform work to the required standard
- sabotaging a particular person’s work
- excluding a particular person from workplace social events
- spreading gossip or false rumours about a particular person
- dangerous practical jokes or forms of ritual humiliation, including initiations
- behaviour involving yelling, throwing things or physically hitting others.
Step Three – Controlling the Risk Factors

The third step involves developing and implementing strategies and plans to minimise and ‘control’ (i.e. to either eliminate or reduce the likelihood or impact of) the risks relating to workplace bullying. It is recommended that these include:

- developing a Workplace Bullying Policy
- having a clearly stated “no tolerance” approach to workplace bullying
- establishing expectations of appropriate behaviour and the consequences for failing to comply with expectations of appropriate behaviour
- developing a complaint handling and investigation procedure that follows due process
- providing training, education, information and awareness for all managers and employees on workplace bullying
- ensuring that all managers and all persons who have responsibility for employees are aware of the responsibilities they have to assist the employer in complying with their work safety obligations
- ensuring that all people who have control of a workplace have the responsibility to address work safety risks
- nominating a contact officer(s) within the workplace and providing training for that role
- providing clear job descriptions that include an outline of the specific roles and responsibilities for each position within the workplace
- taking relevant disciplinary action against employees and managers who engage in bullying behaviour
- keeping statistical records and information relating to productivity, absenteeism, grievances, work related injuries, customer complaints, disciplinary actions and so on.

It should be noted that developing a bullying policy is only one of the controls that will probably be required to address a hazard such as bullying.

The strategies and plans that are used to minimise or control the risks relating to workplace bullying need, of course, to suit the size and structure of the workplace, as well as being realistic and achievable. They should be designed to create long-term change within the workplace and not used simply as a quick fix for the problem.
Step Four – Evaluation and Review

The fourth step involves the ongoing review and evaluation of the strategies and plans that have been implemented to prevent and control workplace bullying. The evaluation and review process should ensure that the strategies implemented are effective in preventing or minimising incidents of bullying within the workplace.

If the strategies have not been effective, it is important that further analysis of the situation occurs in order to determine how the employer can rectify the situation. Recognising and removing the risk is not a one-off process. Employers should ensure that the four-step process is a continual cycle within their workplace in order to prevent workplace bullying from recurring.

If you have a Work Safety Representative and a Safety Committee, consultation with them should be a part of the process used to develop anti-bullying strategies and to monitor and review their ongoing effectiveness.

The functions of an elected Work Safety Representative include liaising with employees on health, safety and welfare matters, and reporting to the employer any hazard or potential hazard to which the employees might be exposed. Where there is a Work Safety Committee, the Work Safety Representative may refer the matter to the Work Safety Committee.

If workplace bullying is reported, the employer should consider the extent to which the Work Safety Representative should be involved in resolving the issue, and the rights of both parties to confidentiality pending investigation. The workplace policy and procedures should address both of these issues.
### IDENTIFICATION CHECKLIST

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do you have workplace procedures and reporting procedures in place relating to workplace bullying?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Have you established and promoted expectations for appropriate behaviour?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Are employees made aware of workplace bullying procedures, their specific roles and responsibilities and appropriate behaviours concerning workplace bullying?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Is there a clear process or procedure for dealing with and resolving conflict and aggression within the workplace?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Are your employees aware of the ACT’s Work Safety Act 2008 and Discrimination Act 1991 and, in particular, that acts of discrimination or harassment are unlawful and will not be condoned in the workplace?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>If you have answered ‘No’ to any of the above checkpoints, you may need to conduct a risk assessment of your workplace and develop the appropriate policies and procedures.</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Have grievances or complaints previously been raised by employees concerning workplace bullying?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Do absenteeism or sickness rates or patterns suggest that workplace bullying may be an issue in the workplace?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Are there blatant incidents or acts of workplace bullying that are condoned or accepted in the workplace, such as the initiation of new employees, offensive literature, pictures or behaviour, etc., that a reasonable person would consider inappropriate?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Are there unusual levels of staff turnover or requests for transfer that may be attributed to incidents or acts of workplace bullying?</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

If you have answered ‘Yes’ to any of the above checkpoints you may need to conduct a risk assessment of your workplace.