



Bullying in the workplace

Bullying in the workplace is a Health and Safety issue, as it has the potential to affect both psychological and physical health. Because bullying is a safety hazard, it must be addressed in the same way all hazards are managed in your workplace. Under OSH law, it is not acceptable to avoid dealing with the issue or suggest that it is a conflict or difference of personality.

What is workplace bullying?

Workplace bullying is **repeated and unreasonable behaviour** directed towards a worker or a group of workers that creates a risk to health and safety. **Repeated behaviour** refers to the persistent nature of the behaviour and can involve a range of behaviours over time. **Unreasonable behaviour** means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Not all behaviour that makes a person feel upset or undervalued at work is workplace bullying. Examples of behaviours, whether intentional or unintentional, that may be workplace bullying if they are repeated, unreasonable and create a risk to health and safety include, but are not limited to:

- Abusive, insulting or offensive language or comments
- Aggressive and intimidating conduct
- Belittling or humiliating comments
- Practical jokes or initiation
- Unjustified criticism or complaints
- Deliberately excluding someone from work-related activities
- Withholding information that is vital for effective work performance
- Setting unreasonable timelines or constantly changing deadlines
- Setting tasks that are unreasonably below or beyond a person's skill level
- Denying access to information, supervision, consultation or resources to the detriment of the worker
- Spreading misinformation or malicious rumours, and
- Changing work arrangements, such as rosters and leave, to deliberately inconvenience a particular worker or workers.



What is not workplace bullying?

A single incident of unreasonable behaviour is not workplace bullying however, it may be repeated or escalate and so should not be ignored.

It is reasonable for managers and supervisors to allocate work and give feedback on a worker's performance. These actions are not considered to be workplace bullying if they are carried out in a lawful and reasonable way. A manager exercising their appropriate authority at work may result in some discomfort for a worker. The question of whether a manager's action is conducted in a reasonable way is determined by considering the actual action taken by the manager rather than a worker's perception of it, and if a manager's actions involved a significant departure from established policies or procedures, could that departure be deemed reasonable in the circumstances.

What is the Law?

The WA Occupational Safety and Health Act, 1984 and regulations place certain duties on employers, employees, self-employed people, manufacturers, designers, importers and suppliers and must be complied with.

Duties include:

- Not exposing workers to hazards.
- Providing information, instruction and training.
- Conducting risk assessments.
- Investigating hazards or injuries that have been reported to employers by employees.
- Notifying WorkSafe of reportable injuries.
- Providing and maintaining safe workplaces.

If workers are exposed to a hazard, such as bullying then they need to report this to their employer. If bullying occurs in the workplace then the Employer has a duty to manage the hazard. This can be done by conducting a risk assessment which should identify how many people are being effected and the consequence exposure to this hazard may have on the workers. With this information the employer must then, in consultation with workers decide on the most appropriate action to remove or control this hazard in the workplace. This might mean that the Employer needs to provide information and training on the hazard or create a new policy that outlines steps workers can take to have the issue resolved.



What can workers do?

The best place to start is **report all hazards to your employer**. Under section 23K of the WA OSH Act the employer must get back to the employee that reports a hazard and tell them how they fixed the hazard or what they intend to do to reduce the level of risk associated with that hazard.

Request the Election of OSH Representatives. OSH Reps should be nominated and elected by workers to represent their interests in regards to health and safety. There is no requirement regarding the number of Reps that are elected so determine how many you should have based on the size of your workplace, the type of work performed, where and when that work is performed. For example if you work in a small office of 20 employees you might only have 1-2 Reps however if you work in a school you might have 4-5 depending on the type of work performed. At the end of the day this should be decided in consultation with workers.

Request the establishment of a workplace OSH Committee. The committee should have at least half of its members directly nominated and elected by staff. The Committee should assist the employer to manage and review any health and safety issues at the workplace. The Committee should consult with workers to identify and resolve health and safety issues.

Get your Reps trained at Unity Training Services. We have been training OSH Reps for 30 years and are professional, passionate and highly qualified Health and Safety Trainers. Visit www.unitytraining.com.au or call **9227 7809**.

Contact WorkSafe WA for advice and support 1300 307 877.

Join your Union! The more members in your workplace the more power you have to make changes to workplace conditions as a group, with the support of your Union. Working together to resolve health and safety issues, will lead to better outcomes. The Union can also assist with elections of Reps and to provide advice and support on safety issues.

We all want safe workplaces. We want to return from work in the same condition we arrived and enjoy the things that matter most to us.