

# Bullying Regulations

## Definition

### Bullying

(1) An employee is bullied at work if:

- (a) While the employee is at work for the employer:
  - a. An individual or
  - b. A group of individuals;

repeatedly behaves unreasonably towards the employee, or a group of employees of which the employee is a member; and

(b) That behaviour creates a risk to health and safety.

### Bullying incident

(1) A single incident of unreasonable behaviour that if repeated would constitute bullying.

## Preventing Bullying

### 1. Training

An employer must ensure that such training as is necessary is provided to ensure that:

- a. All managers can:
  - i. manage employees without bullying
  - ii. provide a psychologically safe system of work
  - iii. respond to bullying complaints in a safe and respectful manner
- b. All employees:
  - i. Have a safe system to report bullying
  - ii. Understand how to work in a manner that does not give rise to a risk of bullying

### 2. Bullying Policy and procedures

An employer must ensure that it has a bullying policy and procedure which enables it to comply with its duties under the OHS Act and these Regulations.

### 3. Bullying Risk Assessment

(1) An employer must conduct a bullying risk assessment.

(2) The bullying risk assessment must consider bullying risk factors including but not limited to:

- a. unreasonable workload
- b. is the system of work safe
- c. reliance on insecure work (i.e. casual or labour hire)
- d. lack of employee representation by Health and Safety Representatives
- e. lack of casual or labour hire representation by Health and Safety Representatives

### 4. Control Bullying Risks

(1) An employer must, so far as is reasonably practicable, eliminate any risk of bullying occurring.

(2) If it is not reasonably practicable to eliminate a risk of bullying, the employer must control the risk of bullying so far as is reasonably practicable.

## Responding to Bullying

**5. All reports about a bullying incident must be investigated.**

Where an employee or employees report a bullying incident to an employer, the employer must investigate the bullying incident.

**6. How bullying incident investigations are conducted**

When an employer investigates a bullying incident, it must do so having regard to the following principles including but not limited to:

- (1) Investigations to be conducted by an impartial and appropriately skilled person;
- (2) The principles of natural justice
- (3) Investigations and their outcomes should always be documented.

**7. If a bullying risk is found as a result of the investigation, that risk must be controlled so far as is reasonably practicable.**

- (1) An employer must, so far as is reasonably practicable, eliminate any risk of bullying occurring arising out of a bullying incident.
- (2) If it is not reasonably practicable to eliminate a risk of bullying, the employer must, so far as is reasonably practicable, control the risk of bullying arising out of a bullying incident.