



MEMBER ASSISTANCE KIT

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# Workplace Bullying and Harassment

## INTRODUCTION

Bullying and harassment are significant problems in many workplaces. This kit contains basic advice about your legal rights and entitlements if you have suffered from bullying and harassment in the workplace.

The kit will explain:

1. What the legal definitions of bullying and harassment are.
2. Who is responsible for stopping bullying and harassment in the workplace.
3. What to do if you are bullied or harassed at work.
4. What can be done if they bullying or harassment does not stop.
5. Who you can talk to for support if you have suffered bullying or harassment in the workplace.

Finally, this kit includes a number of “Bullying and Harassment Incident Report Sheets”.

## WHAT IS WORKPLACE BULLYING AND HARASSMENT?

The law defines bullying and harassment differently. The law also recognises that “reasonable management action” is not bullying or harassment.

### BULLYING

Bullying is repeated behaviour which is designed to intimidate, offend, degrade or humiliate. It can be either psychological or physical in nature and creates a risk to health and safety.

### HARASSMENT

Harassment, including sexual harassment, is unwelcome conduct that intimidates, humiliates, offends or causes a state of fear or apprehension in another person. It includes continual verbal attacks or questioning and can also include physical attacks. Sexual harassment can consist of unwanted sexual comments, unwanted and unreciprocated sexual advances/flirting, or inappropriate and unwanted physical touching.

### EXCEPTION: REASONABLE MANAGEMENT ACTION

Reasonable management action is defined as actions or duties that are within the scope of a manager’s role. The action must be carried out in a reasonable manner and must not lead the affected employee to feel intimidated, humiliated or offended.

## WHO IS RESPONSIBLE FOR STOPPING BULLYING AND HARASSMENT IN THE WORKPLACE?

The law requires that the employer take all reasonable steps to maintain a safe workplace. Therefore, your employer is responsible for stopping any bullying and harassment that occurs in your workplace. Bullying or harassment needs to be reported to your employer to ensure they are made aware of the problem. If your employer is not made aware of the



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bullying or harassment, they cannot be held responsible if it continues to occur. The next section outlines the steps to take to report bullying and harassment to your employer.

### NOTES

**Bullying and Harassment support and assistance**

**Contact: Ambulance Employees Australia – Victoria**

**Address: PO Box 327, North Melbourne, VIC 3051**

**Phone: 03 9287 1713**

**Email: [aea.vic@unitedworkers.org.au](mailto:aea.vic@unitedworkers.org.au)**

### WHAT TO DO IF YOU ARE BULLIED OR HARASSED WHILE WORKING

1

- Contact the AEA.V on 9287 1713 or [AEA.VIC@unitedworkers.org.au](mailto:AEA.VIC@unitedworkers.org.au) for assistance at any stage of the process

2

- Document instances of bullying & harassment in the report sheets below or maintain a journal or diary with information as detailed below

3

- Contact your Line Manager (if appropriate) and complete a Health Safety and Claims System (**HSCS**) report on AV Intranet. Once completed print out a copy for your and our records

4

- AV should now investigate your report. HSCS reports submitted regarding bullying are sent directly to the Director of People Services

5

- Does the bullying or harassment stop? If another incident occurs after you reported the bullying/harassment to your employer fill in a second HSCS and contact the AEA.V

### YOUR RIGHTS WHEN REPORTING BULLYING AND HARASSMENT

You have a workplace right under the General Protections in the *Fair Work Act 2009* to make a complaint in relation to your employment. Your employer cannot discipline or fire you for making a complaint about being bullied or harassed during the course of your employment. If your employer does try to discipline you because you made a complaint, please contact the AEA.V immediately on 9287 1713 or [AEA.VIC@unitedworkers.org.au](mailto:AEA.VIC@unitedworkers.org.au) for assistance.

Ambulance Victoria may ask to meet with you to discuss the incident(s) you reported to them. This is good and shows that AV is investigating the incident. You are able to take a friend, colleague or a AEA.V official to the meeting with you. When in the meeting, our advice is that you clearly tell your employer that you do not want the bullying or harassment to continue and if it does continue you are prepared to report the issue to a government agency to ensure that the bullying or harassment stops.



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### WHAT CAN BE DONE IF YOUR EMPLOYER DOES NOT STOP THE BULLYING OR HARASSMENT?

Both the Victorian Parliament and Federal Parliament have established independent organisation with the power to deal with bullying and harassment in the workplace. If your employer fails to stop the bullying or harassment, then Worksafe, the Fair Work Commission, or the Victorian Equal Opportunities and Human Rights Commission can potentially help to stop the bullying or harassment. The legal powers of each are outlined below.

#### WORKSAFE

Worksafe has the legal power to investigate and prosecute both bullies and employers who fail to stop bullying in the workplace. Unions are not allowed to prosecute under OHS laws, but the AEAU can help you file a complaint with Worksafe to get them working to help resolve your issue.

#### VICTORIAN EQUAL OPPORTUNITY AND HUMAN RIGHTS COMMISSION

Where discriminatory behaviour has occurred, e.g. sexual harassment or racial harassment, the matter can be referred to the Victorian Equal Opportunity and Human Rights Commission who will investigate the matter and, if they deem it necessary, conciliate between the parties to try and resolve the dispute. The AEAU can assist you with the application.

#### EVIDENCE

To ensure that Worksafe, the Fair Work Commission or the Victorian Equal Opportunity and Human Rights Commission helps to stop the bullying and harassment in the workplace, it is important that evidence exists about the bullying and harassment in the workplace.



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### WHO TO TALK TO FOR SUPPORT IF YOU HAVE SUFFERED BULLYING AND HARASSMENT IN THE WORKPLACE.

If you're experiencing bullying and/or harassment, or struggling with the effects, don't suffer in silence. Counselling is available through the following services:

#### VICTORIA POLICE

For emergency situations please call Triple Zero (000). Assault is a criminal offence and should be reported to the Police.

#### VICTORIAN CENTRES AGAINST SEXUAL ASSAULT (CASA)

Service for women and men who are victims/survivors of sexual assault. 24 hour crisis line: 1800 806 292 or visit [www.casa.org.au](http://www.casa.org.au).

#### WOMEN'S INFORMATION & REFERRAL EXCHANGE (WIRE)

WIRE is the only Victoria-wide, free information, support and referral service run by women for women. Every year, WIRE answers over 13,000 requests for information and assistance through our phone support service, drop-in Women's Information Centre and via email. Call 1300 134 130 or visit [www.wire.org.au](http://www.wire.org.au).

#### WOMEN'S HEALTH WEST (WHW)

Works to prevent and tackle violence and discrimination towards women. Offers an interpretation service for people with low levels of English. Call (03) 9689 9588 or visit [www.whwest.org.au](http://www.whwest.org.au).

#### LIVING WELL - HELP FOR MEN

Support for men struggling with sexual assault or harassment. Call 1300 114 397 (free from landlines) or visit [www.livingwell.org.au](http://www.livingwell.org.au).

#### LIFELINE

Lifeline can be contacted on their crisis support chat line: 13 11 14. Alternatively, you can get assistance through their website: <https://www.lifeline.org.au/>



# AEAV MEMBER ASSISTANCE KIT WORKPLACE BULLYING AND HARASSMENT

## BULLYING OR HARASSMENT INCIDENT REPORT SHEET

<b>Your Name:</b>	
<b>Name of other person(s) involved:</b>	_____ Is this person a: <input type="checkbox"/> Co-worker <input type="checkbox"/> Supervisor <input type="checkbox"/> Manager <input type="checkbox"/> Other _____
<b>Names of any Witnesses present (if known):</b>	
<b>Date of incident:</b>	
<b>Time of incident:</b>	
<b>Location of incident:</b>	
<b>Details of Incident</b>	Was the bullying or harassment: <input type="checkbox"/> Verbal only <input type="checkbox"/> Verbal and Physical <input type="checkbox"/> Physical Describe what was said and/or done to you by the other person(s) involved:          
<b>Signature:</b>	
<b>Date of report:</b>	
<b>File Report:</b>	<input type="checkbox"/> Copy kept for own records. <input type="checkbox"/> Copy given to manager/HR. Manager/HR's Name: _____ Date given to manager/HR: _____

\*\*\*\*Forward each Incident Report to the AEAV – [aea.vic@unitedworkers.org.au](mailto:aea.vic@unitedworkers.org.au)



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<b>Names of any Witnesses present (if known):</b>	<input type="checkbox"/> Other _____
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Describe what was said and/or done to you by the other person(s) involved: <div style="border: 1px solid black; min-height: 150px; margin-top: 5px;"></div>	
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