

Workplace Bullying

What is workplace bullying?

Workplace bullying exists in various forms. It can be instigated by, and affect, females or males at all levels of employment. Bullying involves repeated behaviour that can intimidate, degrade or humiliate an employee (sometimes in front of clients or customers).

It may include abuse of power, isolation, alienation of employees or poorly managed conflicts of opinion or personality. Inappropriate comments about personal appearance, work performance and verbal abuse are also common, Assault, both physical and threatened can also be a factor.

Is it unlawful?

Often workplace bullying can't be dealt with under existing legislation. However, where bullying involves acts such as sexual harassment or discrimination, a claim may be lodged under the Queensland Anti-Discrimination Act.

Sexual Harassment is any form of unwelcome attention of a sexual nature which is humiliating or offensive.

Discrimination occurs when someone is treated unfavourably because they belong to a particular group of people. Under the Queensland Anti-Discrimination Act, it is illegal to treat someone unfavourably due to :

- Sex;
- Relationship status;
- Pregnancy;
- Parental status;
- Breastfeeding;
- Age;
- Race;
- Impairment;
- Religion;
- Political belief or activity;
- Trade union activity;
- Lawful sexual activity
- Sexuality;
- Gender Identity
- Association with a person having any of the above mentioned attributes.

Is it a criminal offence?

Physical assault is a criminal offence and should be reported to the Police immediately.

Female Liaison Officers are now available throughout the Police Department.

You are responsible for lodging the forms within 28 days.

How can it affect an employee?

Workplace bullying is very subjective, and therefore the impact may vary greatly. The most commonly reported affects are:

- ❖ Stress;
- ❖ Feelings of social isolation at work;
- ❖ Anxiety;
- ❖ Loss of self esteem;
- ❖ Loss of financial security;
- ❖ Loss or deterioration of personal relationships;
- ❖ Physical symptoms of stress such as headaches, backaches, stomach cramps; and
- ❖ Depression.

Why does "Workplace Bullying remain largely unreported?"

There are many reasons why people tolerate bullying. People subjected to this behaviour may experience loss of self confidence and self esteem. This, together with repeated comments about poor work performance, can leave someone convinced it is actually their fault.

Fear of dismissal may have an impact on the toleration of bullying and may contribute to feelings of helplessness. In the past, a person had the option of leaving a stressful environment with a reasonable expectation of gaining alternative employment. Due to a diminished job market, this may no longer be seen as a viable option, causing feelings of being "trapped" in an untenable situation.

In addressing workplace bullying, managers and human resources personnel must be aware of the importance of cultural or gendered influences in people tolerating inappropriate behaviour. In particular, some women being brought up in an environment that perpetuates low expectations regarding women's role in society. This perceived powerlessness, together with lack of confidence and assertion skills, may prevent women from taking appropriate action to deal with bullying. Many people have been brought up to respect their elders and/or people in legitimate power positions, and may have a great deal of difficulty in confronting appropriate behaviour.

What is the financial cost of bullying for an organisation?

The financial costs of bullying for an Organisation may include:

- ❖ High absenteeism rate;
- ❖ Low morale resulting in loss of productivity;
- ❖ High staff turnover;
- ❖ Time and resources in advertising and interviewing for new employees;
- ❖ Retraining costs;
- ❖ Increases in Work Cover Premiums, either through stress claims, or accidents directly related to stress and anxiety levels;
- ❖ Possible criminal action being taken in the case of physical injury or threat of physical injury;
- ❖ Possible discrimination claims being lodged should bullying be proven to be related to a person's status eg age, marital status, pregnancy;
- ❖ Industrial disputes or incidents;
- ❖ Under the Workplace Health and Safety Act, an employer has an obligation to protect employees from all acts of violence and may be held vicariously liable* for the actions of employees, or failure to take appropriate action to resolve the situation.

**Vicarious liability in the case of an employer means that the employer may be held responsible for the actions of employees in the workplace, where those actions may affect the health and/or wellbeing of others.*

What can you do? A Checklist

There are ranges of options that you could consider which may be appropriate for you. These include:

Check for grievance procedures in your Award or Workplace Agreement

Industrial Awards and Workplace Agreements are legally binding documents that outline your work conditions and pay rates. Under the provisions of the Federal Workplace Relations Act 1996, and the Queensland Industrial Relations Act 1999, the appropriate Award and/or Agreement should be clearly displayed in the workplace, allowing access to information regarding grievance procedures which should be followed in an attempt to resolve the situation.

If no formal grievance procedure exists, investigate alternative avenues of support, for example approaching a manager, or seeking the help of a supportive colleague who is willing to back up your claims.

Employees should be aware of their rights and how to ensure those rights are respected. An employee has the right to union representation at all stages of the procedure and can take advantage of this service.

If the matter cannot be resolved internally, employees can lodge a Notice of Industrial Dispute with the Industrial Relations Commission and the Commission will seek to resolve the matter between the parties.

Public Sector Employees can access many resources such as Employee Assistance Officers, Sexual Harassment Referral Officers, Equity Officers, Workplace Health and Safety Advisers, Medical Services etc. All these resources should be used in an effort to resolve the situation.

Join a union if you're not already a member

Being a member of a Union will ensure that your rights are protected. Union membership is like any other kind of insurance. It is too late to join after the event. After all, you may be risking your livelihood for the sake of a few dollars a week.

Take comprehensive notes regarding incidents of bullying

Bullying can be very difficult to define and address, and at times, almost impossible to prove to the satisfaction of your organisation.

It is very important to keep a diary of events, recording incidents in detail. This diary should also contain the names and addresses of people willing to support your claims. This can be used at a later date to assist with proving your case, and may be seen as valid evidence in a Court of Law or Tribunal.

Whether your situation is covered by the Anti-discrimination or Industrial Relations Legislation

Some forms of bullying are covered by the provisions of the Queensland Anti-Discrimination Act or the State and Federal Industrial Relations Acts. Where it can be established that a person is being treated differently because of a particular attribute (eg sex, race, age, religion etc) relief may be sought.

Disputes Resolutions Centres

Relief may be sought through Dispute Resolution Centres in your city, which provide an informal, non-legal service to people in conflict. This service is free, voluntary and confidential. In this process, the Alternative Dispute Resolution Branch will provide the services of a neutral third party to conciliate in an attempt to talk through and resolve any situation. As participation in this process is voluntary, Dispute Resolution Centres will contact both parties to gain agreement for mediation.

The Workplace Health and Safety (WHS) Act

Under the WHS Act 1995, an employer has an obligation to protect employees from all acts of violence, and may be held vicariously liable for the actions of their employees, or failure to take appropriate action to resolve the situation. In certain circumstances verbal abuse, intimidation and humiliation may in fact be viewed as occupational violence. Contact the Health and Safety Inspector in your region for further information.

The **Workplace Bullying Advisory Standard** is a useful publication which provides advice for employers and employees on how to handle workplace bullying.

WorkCover

Where it can be established that a psychological injury (as defined by the psychiatric handbook) has occurred due to workplace bullying, you may be entitled to make a claim for WorkCover. For a claim to be successful you need to prove that work was a significant contributing factor to the injury.

If you have been assaulted in the workplace as a result of bullying behaviour, you may report this behaviour to the police or make a claim where there is an injury.

Approach your Union to assist with the preparation of these claims. If you are not satisfied with the decision of your claim you may contact the Worker's Comp Advisory Service on (1800 102 166).

Approach a support person to confront the "bully" on your behalf

In some cases, a family member or another support person approaching the aggressor has met with some success.

Undertaking personal development courses

Where it is unlikely that the bullying behaviour will cease, it may be an option to seek counselling or undertake personal development courses to modify your reactions to the situation. These can assist with:

- ❖ Improving communication skills;
- ❖ Conflict resolution;
- ❖ Stress management;
- ❖ Self-confidence and self-esteem.

Dispute

If you have exhausted all avenues, and there is likelihood that further bullying may result in a termination of the employment you may wish to lodge a dispute with the Queensland Industrial Relations Commission.

Unlawful or Unfair Dismissal

If bullying behaviour in the workplace results in you being dismissed or leaves you no alternative but to resign, you may have recourse under Industrial Relations Legislation.

In this instance, you should contact:

- ❑ Your union (if you are a member); or
- ❑ The Industrial Relations Commission; or
- ❑ Wageline; or
- ❑ Young Workers Advisory Service; or
- ❑ Queensland Working Women's Service.

All of the above organisations will be able to provide information regarding your rights to access unfair dismissal laws.

Workplace bullying is unacceptable behaviour

It is important that a person subjected to workplace bullying is assured that it is unacceptable behaviour and should not be tolerated. As such it should be investigated and treated in the same way as any other complaint.

Many women contacting the Queensland Working Women's Service or Young Workers Advisory Service get a great deal of relief by being able to talk to someone about their experiences.

Services provided by QWWS and YWAS include:

- ❑ Free advice on a range of available options
- ❑ Assistance with claims
- ❑ Individual counselling (for a small fee)
- ❑ Workshops and information sessions
- ❑ Sale of Risky Business: a how-to guide for employers
- ❑ Dispute resolution, mediation and training on fee for service basis
- ❑ May assist in preparation and representation for unfair dismissal, please call for more information.

Covert v's Overt Workplace Bullying

Covert workplace bullying can include:

- ❑ Deliberately overloading an employee with work with impossible deadlines;
- ❑ Sabotaging work by withholding information, hiding or deleting files.
- ❑ Not providing appropriate resources and training;
- ❑ Isolating or ignoring an employee on a consistent basis;

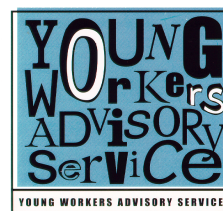
Overt workplace bullying includes:

- Yelling, swearing, screaming, offensive behaviour
- Name calling or practical pranks at the expense of the employee.
- Threats, intimidation, coercion, belittling, initiations.

For Further Information:

WorkCover Contact: **1300 362 128.**

Workers Compensation Advisory Service
1800 102 166



Young Workers Advisory Service
Ph: 3211 1447 or 1800 232 000
Fax: 3229 2153
Web: www.ywas.org



Queensland Working Women's Service Inc
Ph: 3211 1440 or 1800 621 458
Fax: 3211 1449
Web: www.qwws.org.au

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