



# WorkSafe SmartMove

## Additional resources

### Workplace bullying

Learn to recognise bullying behaviours at the workplace

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# Workplace bullying

## Introduction

Workplace bullying is defined as repeated, unreasonable or inappropriate behaviour directed towards a worker, or a group of workers, that creates a risk to health and safety. It is illegal.

Workplace bullying can be carried out in person and through emails, texts, social media posts and letters. When bullying occurs online or digitally, it is called *cyberbullying*.

Whether alone or in front of co-workers, visitors or customers, it can be bullying if a worker or workers are repeatedly:

- offended
- degraded
- humiliated
- undermined
- intimidated
- threatened
- victimised
- harmed.

Examples of behaviour, whether intentional or unintentional, that may be workplace bullying if it is repeated, unreasonable and creates a risk to health and safety includes:

- 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
- spreading misinformation or malicious rumours
- setting tasks that are unreasonably below or beyond a person's skill level.

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## What isn't workplace bullying?

A one-off incident of inappropriate or unreasonable behaviour at work may cause offence, but it isn't bullying.

If your work is not up to standard, your manager or employer will have to manage your performance. While some criticism may be necessary, it should be dealt with in a constructive way that does not involve personal insults or derogatory remarks, and should not be done in front of others.

However, single incidents of this type shouldn't be ignored because they can put people's health and safety at risk, or they could be a sign of potential bullying behaviour.

## What are the effects of workplace bullying?

### Individual effects

It is possible that people who are bullied at work will experience some of the following:

- stress, anxiety or sleep disturbance
- ill health or fatigue
- reduced quality of home and family life
- difficulty concentrating and impaired ability to make decisions
- incapacity to work, or reduced output and performance
- loss of self-confidence and self-esteem
- depression

- feeling isolated
- physical injury
- hypersensitivity
- panic attacks
- post-traumatic stress disorder (PTSD).

## Workplace effects

Bullying can have significant costs for an organisation. For example, there may be a high turnover of staff or low morale in areas where bullying occurs. The organisation may get a reputation for poor management of workplace bullying, have difficulties with recruiting staff and the business may be affected by a poor image.

## What can you do about workplace bullying?

There are laws that deal with workplace bullying and people's responsibilities to deal with bullying in the workplace. In WA, the main one is the *Work Health and Safety Act 2020*. The Commonwealth *Fair Work Act 2000* also deals with bullying.

Under these laws, your employer has a responsibility to provide a workplace that is free from hazards to your health and safety. This includes bullying.

### **As a worker:**

*You have a responsibility to take reasonable care of your own health and safety at work.*

*You should also avoid negatively impacting the health and safety of anyone else.*

*You should report bullying if you see it occurring.*

If you are bullied you can take action informally or formally. The following steps are recommended as a first approach in dealing with most bullying cases.

### **1. Keep a record of what happened**

Make sure you include the date and time, where it happened, the name of the person doing the bullying and what they said and did. Are there any witnesses? Put their details in too. Make sure that your record is as accurate as possible.

### **2. Seek advice**

At work, a co-worker may be able to help you (especially if they witness the behaviour, or have experienced it themselves), or your manager or employer. In bigger workplaces, there is often a grievance officer, health and safety representative (HSR), human resources officer or union official that you could go to for advice and support.

### **3. Check if your workplace has policies and procedures that deal with bullying**

This could be an anti-bullying policy, a grievance procedure or a conflict resolution procedure. The policy or procedure should provide information about how to deal with workplace bullying, including who you can talk to and how to report it.

### **4. Let them know how you feel**

Sometimes people are not aware of how their behaviour towards others can be perceived and they may not realise their behaviour affects you. It is important to let them know how you feel. If you do not feel comfortable approaching them directly, then you could ask someone else approach the person on your behalf.

### 5. Find a solution

If it is needed, a third party (such as your manager or a HSR) could mediate or facilitate a face-to-face discussion and help find a solution that is acceptable for anyone involved.

### 6. Use a counselling service.

Sometimes these are available through your workplace. Your family doctor may also be able to help you, or refer you to where you can get help. Using a counselling service can help you to develop ways of dealing with the situation and the effects of bullying.

*Other services include:*

*Kids Helpline – <https://kidshelpline.com.au>*

*Headspace – <https://headspace.org.au>*

## Making a formal report

In Western Australia, workplace bullying can be formally reported to WorkSafe WA. Once the report is made, a WorkSafe inspector usually contacts the person making the report and asks for a brief written overview of the bullying incidents, including place, date, time, who was involved and what was said or done. The inspector will discuss the best approach to the situation.

If both the inspector and the person making the report agree, the inspector will contact the employer and discuss the bullying concerns and what, if any, actions have already been taken to address the bullying. The Worksafe inspector can also arrange meetings with all the people involved, including any witnesses.

Depending on the outcome of the investigation and the circumstances, the inspector may:

- take no action;
- provide information on workplace bullying; or
- issue an *improvement notice* to the employer.

An *improvement notice* could direct the employer to ensure that there are adequate systems in place to prevent or stop bullying, or the perpetrator could be directed to stop the inappropriate or unreasonable behaviour.

### **Remember:**

*Formal reports can also be made to the Fair Work Commission. [www.fwc.gov.au/disputes-at-work/anti-bullying](http://www.fwc.gov.au/disputes-at-work/anti-bullying)*

*In very serious cases, the matter can be reported to WA Police. If you are under 18, the workplace bullying may also be child abuse. See [www.police.wa.gov.au/Crime/Report-a-crime](http://www.police.wa.gov.au/Crime/Report-a-crime)*

## Workplace cyberbullying

Workplace cyberbullying is as serious as other forms of workplace bullying. It may occur at any time of day, even outside the physical workplace and working hours.

Workplace cyberbullying occurs in a workplace over digital devices such as mobile phones, computers and tablets where people can view, participate in, or share content. It can take place on the internet, through emails, blogs, messages and social networking sites with the intent to cause feelings of threat, intimidation, humiliation and demoralise the victim.

Because it crosses the barrier between work and home, it can leave people feeling trapped and unable to cope.

Examples of cyberbullying at work include:

- sending or posting text or images intended to hurt or embarrass another person

- sending nasty, threatening, humiliating, or offensive emails or text messages to a person's phone or email address
- electronic communications that contain offensive content such as explicit images
- electronic communications that contain jokes or comments about a person's private life, professional performance, ethnicity, religion or sexual preference
- electronic communications providing feedback to an employee that are copied to a group with the effect of publicly shaming or demeaning the individual
- hurtful, threatening, humiliating or embarrassing comments about a person posted on blogs or social networking sites
- sharing embarrassing, offensive or manipulated images or videos of a person
- sharing or posting a person's personal details online so other people can see it, such as home addresses and phone numbers, and personal pictures that can be downloaded from social media.

## What can I do if I am being cyberbullied?

The first point of contact in your workplace should be your employer. You may also approach your manager, human resource officer and HSRs, if there are any at your workplace, to discuss your situation.

This will determine the best method for your circumstance, with the potential to stop the bullying at an early stage.

You should also follow the steps outlined in 'What can you do about workplace bullying?'

*You can also do the following:*

- do not respond to the message or image
- screenshot all bullying messages and save them in a folder on your phone or computer, or make a hard copy if you can. This can be used as evidence if you wish to report the bullying.
- use all the tools available to block or mute your bully on your mobile phone and all social media sites and delete the message. If they reappear under a different name, block or mute them again. Some mobile phone carriers have the ability to screen messages and calls from numbers in your blocked list. Contact your provider to find out if they can do this.
- report the person being abusive to the website or social media administrators. If they reappear under a different name, report them again.

*Don't behave in ways that make the cyberbullying problem worse, like:*

- joining in with harassing someone online
- reinforcing the bullying behaviour by encouraging, cheering and laughing, even if from a distance, or when you hear about it later
- never resend or respond to messages or photos that may be offensive or upsetting to someone
- don't harass, tease or spread gossip about others on social networking sites.

### **Good to know:**

*The eSafety Commissioner has information on dealing with and reporting cyber abuse at <https://www.esafety.gov.au/key-issues/cyberbullying>.*

## Case study: Brodie's Law

In September 2006, 19-year-old Brodie Panlock ended her life after enduring ongoing humiliating and intimidating bullying by three of her co-workers at her workplace in Hawthorn, Victoria. She was spat on and regularly called names such as fat and ugly. They regularly criticised her clothes, jewellery and her haircut.

The tragedy of Brodie's death was compounded by the fact that none of those responsible for bullying Brodie were charged with a serious criminal offence under the *Crimes Act 1958*. Instead, each

offender was convicted and fined under the state of Victoria's provisions of the *Occupational Health and Safety Act*. The charges were issued by WorkSafe Victoria.

Brodie's death was a tragic reminder of the serious consequences that bullying can have on victims, their families and the community and illustrated that there were obvious limitations in the law and conduct involving serious bullying should be subject to criminal sanctions.

Brodie's parents, Damien and Rae Panlock successfully lobbied the Victorian Government to make changes to the law. Victoria's anti-bullying legislation, known as **Brodie's Law**, commenced in June 2011 and made serious bullying a crime punishable by up to 10 years in jail.

There are calls to have *Brodie's Law* implemented at a national level, but so far Victoria is the only state that has implemented this legislation.

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## Reflection

In this information session, you learned about bullying behaviours in the work place.

In the text box below, write 2-3 sentences (40-100 words).

1. How do you differentiate the work place bullying behaviours from not bullying behaviours?

2. What are the advantages of knowing the steps recommended to deal with most bullying cases?