

WORKERS' RIGHTS WORKPLACE BULLYING



Family and friends often feel angry about what is happening at the workplace but feel powerless to help. Relationships may break down as friends and family often find it hard to understand why the bullying won't just stop.

What is workplace bullying?

Workplace bullying is a form of repeated unreasonable behaviour, which threatens, intimidates or humiliates a person or a group of people in the workplace and creates a risk to their health and safety.

The bully can be anyone within the workplace including a manager, a supervisor or a co-worker.

Bullying behaviour may be subtle and not easily observed by other people, or it may be overt and noticeable to others. It may include verbal abuse, constant 'put-downs' and aggression. Persistent, unreasonable criticism of work performance or unreasonable work demands are also common bullying behaviours.

Assault or physical violence, or a threat of violence, is an extreme expression of bullying. It is inappropriate and unacceptable behaviour in a workplace.

Workplace bullying is sometimes also called workplace harassment or mobbing.

Examples of workplace bullying can include:

- Abusive, insulting or offensive language;
- Being singled out and treated differently to co-workers;
- Displaying material that is degrading or offensive;
- Ongoing attempts to undermine you;
- Setting timelines that are very difficult to achieve or constantly changing deadlines;
- Having reasonable requests for leave or training opportunities denied;
- Behaviour or language that belittles or degrades you especially in front of others.

What is not workplace bullying?

All employers have a legal right to direct and control how work is done and managers have a responsibility to monitor work and give feedback on performance in a respectful and fair way. If you have problems performing your work these should be discussed and dealt with in a constructive and supportive way that does not involve personal threats or derogatory remarks.

You should not be bullied for raising a legitimate complaint.

What is the impact of bullying?

Workplace bullying can impact on individuals, their family and friends and the workplace.

People who are bullied often start to feel unwell and may take more sick leave than usual. They may develop stress related illnesses, find that their work performance suffers, experience financial loss and social isolation and in some cases think about or commit suicide.

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Workplaces lose good staff when bullying is allowed to continue. They may suffer a loss of productivity, loss of reputation and loss of morale along with increased costs.

What can I do about a bully?

If you are able to identify the bullying behaviours early on, and you are safe to do so, you can ask the bully to stop the behaviour that is affecting you. Name the behaviour and say how you want to be treated.

Your workplace should have appropriate policies and procedures to address grievance complaints and in the first instance you should, if possible, follow these procedures. Most importantly, seek support from people you can trust.

Is workplace bullying against the law?

In some cases bullying may be dealt with under existing laws.

Where bullying involves sexual harassment or discrimination on the basis of personal characteristics, such as disability, gender, race or age, a claim may be made under discrimination law.

Where the bullying includes actions which alter your position or otherwise injure you in your employment, and it is based on a personal characteristic or because you exercised a workplace right, then you may be able to make a complaint to the Fair Work Ombudsman. Check the Fact Sheets on Discrimination and Sexual Harassment and Adverse Action for more information.

Your employer has obligations under occupational health and safety laws to provide a safe work environment. This includes providing a policy, procedures and training to ensure an environment that is free from harassment. If you consider your workplace fails to meet these requirements you can contact SafeWork SA for more information or to lodge a complaint. Usually you will be expected to have raised this issue with your workplace so that they have had an opportunity to address the bullying and prevent it from happening again.

Sometimes bullying includes physical assault. This is a criminal offence and should be reported to the police immediately.

If bullying makes you so sick that you can't work, you may be able to lodge a claim for worker's compensation.

If bullying results in you being dismissed or leaves you no other alternative but to resign, you may be able to lodge a claim for unfair dismissal or unlawful termination through Fair Work Australia. If you feel forced to resign it is important that you seek advice before doing so. See the When your job ends factsheet for more information.

What can I do if I'm being bullied?

1. Keep a diary of events. Write down what bullying behaviours occurred and include dates, times and witnesses. This can be used at a later date if you choose to make a complaint. The act of writing down what has happened can make you feel validated that what has been going on is unreasonable. When you experience bullying you may end up doubting your own judgement. Keep copies of any emails or letters that demonstrate the bullying behaviours.
2. Seek support. Severe workplace bullying is a traumatic experience and should be taken seriously. Talking to a professional counsellor or trusted friend can help you manage your stress whilst you consider your options.
3. Don't blame yourself. You are never to blame for the bullying behaviours of another person.
4. Avoid being alone with the bully. It is important to ensure your safety as much as possible.
5. Avoid justifying yourself to the bully. When responding to deceptive, unfair or untrue criticisms and allegations avoid explaining, justifying, elaborating or apologising as such responses gives the criticism or allegation validity it does not have. Put the onus on the bully to provide substantive evidence to justify the accusation.
6. Check your workplace grievance procedures. These should tell you who to complain to and how to do this. You should, if possible and it is safe to do so, follow these procedures.
7. Talk to a trusted colleague. Bullying can be so subtle that co-workers may not even notice what is happening. A co-worker may be able to witness bullying behaviours if you alert them to what is going on.
8. Seek advice. Talk to your union if you are a member, Working Women's Centre, Legal Services Commission or a workplace adviser or advocate. Seeking advice is particularly important if you are thinking about making a complaint to your employer or a government agency.

9. Remain confident in your own ability and judgement.
10. Look after yourself. Eat well, exercise, watch your alcohol intake and be kind to yourself.
11. Further information. There is lots of information on the internet in relation to workplace bullying. Some of it will be more useful to you than others.

Writing a letter of complaint

Whether to put your complaint in writing can be a difficult decision. Seek advice before you take this step.

Hints and tips for writing a complaint;

- keep the letter brief and to the point (maximum 2 pages);
- stick to the facts;
- remind your employer they have a statutory duty of care to ensure that your workplace is healthy and safe;
- Include a short description of the bullying behaviours. If you need more space to detail a list of events, refer to them in your letter and attach them on a separate sheet;
- Describe the impact the bullying has had on you but protect yourself by not giving information that is too personal;
- Clearly state what outcome you are seeking within a suggested time frame e.g. an investigation, an apology, that the bully be kept away from you, that you receive a written response;
- Sign and date the letter and include your contact details for a reply;
- Keep a copy of your letter for your records.

You can expect that any complaint you forward to your employer or outside agency may escalate the bullying, especially if the bully has a lot of power in your workplace. Not all employers respond positively to complaints, or acknowledge letters but by raising the issue you are giving them a chance to deal with it.

Where can I get more help?

Your union

SA Unions
Ph: (08) 8279 2222
www.saunions.org.au

Working Women's Centre

Ph: 1800 652 697
www.wwc.org.au

1st Floor, Station Arcade
52 Hindley Street
Adelaide, SA, 5000

Legal Services Commission

Ph: 1300 366 424
www.lsc.gov.au

82-98 Wakefield Street
Adelaide SA 5000

Young Workers Legal Service

Ph: (08) 8279 2233
www.ywls.org.au

SafeWork SA

Ph: 1300 365 255
Email: help@safework.sa.gov.au

Fair Work Australia (FWA)

Ph: 1300 799 675
www.fwa.gov.au

Level 6, Riverside Centre, North Terrace, Adelaide, 5000

Fair Work Ombudsman (FWO)

Ph: 13 13 94
www.fairwork.gov.au

Level 2, 148 Frome St.
Adelaide SA, 5000

Equal Opportunity Commission

Ph: (08) 8207 1977
Toll free: 1800 188 163

Australian Human Rights Commission

Ph: (02) 9284 9600
Complaints Infoline: 1300 656 419

Lifeline (24 Hour Crisis Support)

Ph: 13 11 14

Telephone Interpreter Service

Ph: 13 14 50

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