



Australian Government
Comcare

Bullying in the workplace

A guide to prevention for managers
and supervisors

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1. Introduction

1.1 Purpose

This guidance provides advice to employers on the prevention of bullying in the workplace.

Comcare's role is to assist employers to meet obligations to protect the health and safety of employees covered by the *Occupational Health and Safety Act 1991* (OHS Act). This guidance has been produced to assist senior managers to meet their duty of care by putting in place effective systems for the prevention of bullying in the workplace.

This guide provides information on:

- what bullying is;
- managers' responsibilities;
- how to take a proactive approach to prevent bullying; and
- a checklist of actions for senior management.

1.2 Background

Workplace bullying is an issue of concern for all employers as bullying results in real costs to both the organisation and the individual. Bullying constitutes a significant risk to the health, safety and wellbeing of the individual and can lead to serious psychological injury.

Workers' compensation claims for psychological injury are the most expensive type of claim. In the Commonwealth jurisdiction, workers' compensation claims where bullying and harassment is the cause of the injury make up about 20% of all mental stress claims. Issues at the organisational level, including organisational change, work systems and workplace culture, can contribute to incidents of workplace bullying. Workplace bullying should be considered within the broader framework of psychological injury, and prevention strategies should address organisational issues and apply a systematic risk management approach.

Comcare's publication *Working Well: An organisational approach to preventing psychological injury*¹ provides further information on the prevention of work related psychological injury.

¹ www.comcare.gov.au

2. What is bullying and why does it occur?

Bullying is a workplace hazard. It is a form of harassment that can occur wherever people work together. It is behaviour that has the potential to cause injury or illness.

2.1 Definition

Workplace bullying is *repeated, unreasonable behaviour directed towards a person or group of persons at a workplace, which creates a risk to health and safety.*

“Repeated” refers to the persistent or ongoing nature of the behaviour, not the specific type of behaviour, which may vary. For example, bullying may comprise a combination of behaviours including unwarranted criticism or insults, spreading malicious rumours, deliberately withholding information or resources and influencing others to exclude or isolate the targeted person or persons. In many instances bullying appears to begin as discreet and indirect behaviours escalating over time into more open and direct behaviours.²

“Unreasonable behaviour” means behaviour that a reasonable person, having regard to the circumstances, would expect to victimise, humiliate, undermine or threaten. It includes overt and covert types of behaviour such as:

- abusive, insulting or offensive language;
- excluding, isolating or marginalising others, deliberately or otherwise;
- behaving in a way that frightens or intimidates;
- humiliating others through sarcasm, belittling someone’s opinions or unjustified criticism, including criticism delivered by yelling or screaming;
- teasing or making others the brunt of practical jokes;
- deliberately intruding on a person’s space by pestering, spying or tampering with their work equipment or personal effects;
- spreading misinformation or malicious rumours;
- participating in ‘collective bullying’ or ‘mobbing’ which is characterised by passive aggressive group behaviour used as a deliberate strategy to drive an individual from the workplace;
- setting impossible assignments or deadlines;
- assigning meaningless tasks or unfairly assigning unpleasant tasks;
- treating someone unfairly in relation to work rosters or workplace entitlements such as leave or training;

² Queensland Government Department of Industrial Relations, *Workplace Bullying Taskforce Report*, 2002.

- deliberately withholding information or resources necessary for effective work performance;
- carrying out initiation pranks; and
- displaying offensive material.

“Risk to health and safety” includes the risk to the emotional, mental or physical health of the person(s) in the workplace.

2.2 What is not bullying?

Single incidents

A single incident of workplace harassment does not constitute workplace bullying, although it may be distressing or harmful to the targeted individual and should not be tolerated. A single incident of harassment may be a warning sign for bullying and steps should be taken to prevent a reoccurrence.

Be aware that workplace harassment, whether a single incident or repeated occurrences, may breach the APS Code of Conduct, Commonwealth anti-discrimination legislation or the *Workplace Relations Act 1996*. Some types of harassment, such as those involving physical or indecent assault, amount to a criminal offence, in which case the police should be contacted for advice and assistance.

Legitimate management action

It is important to distinguish between a person reasonably exercising their legitimate authority at work and an instance of bullying or harassment. Managers and supervisors may be required to direct and control how work is performed and are responsible for monitoring workflow and providing feedback to employees on their work performance. Feedback provided with the intention of assisting staff to improve performance or work-related behaviour *does not* constitute bullying, however care should be taken to ensure that any performance problems are identified and dealt with in an objective and constructive way that is neither humiliating nor threatening.³

2.3 Who bullies?

Under certain conditions most people are capable of bullying.

Workplace bullying can be upwards (directed towards a manager or supervisor), parallel (directed towards a colleague) or downwards (directed towards a subordinate).

³ ACT WorkCover, *Preventing Workplace Bullying: A guide for employers and employees*, 2004.

Clients and customers may also bully employees.⁴

Note that bullying behaviour is not always intentional. Sometimes people do not realise that their behaviour can be harmful to others.

2.4 Bullying behaviours are organisational symptoms

The presence of bullying in the workplace can be the result of a workplace culture and environment that permits such behaviours to occur. It can also be a product of poor people management skills and lack of supportive leadership.

According to Australian research on bullying in Public Sector Work environments,⁵ levels of bullying behaviour essentially reflect the overall quality of an organisation's people management practices. This research suggests that organisations need to target four areas of their people management practices to help reduce the incidence of bullying, including:

- the quality and frequency of performance feedback;
- levels of supportive leadership;
- building an engaging work team environment by involving employees in decision making processes; and
- establishing accountability for people management for all supervisors and managers.

A number of other organisational factors are related to increased risk of workplace bullying and should be considered in any identification of risk. These factors include:

Organisational change

Significant organisational changes such as restructuring or technological change can promote bullying behaviour if they lead people within the organisation to feel uncertain, insecure or fearful.

Workforce characteristics

Certain employees may be at higher risk of experiencing bullying due to their minority or other vulnerable status. This includes persons with the following characteristics:

- people with a disability;
- people from different cultural backgrounds or with different religious or political views;

⁴ For guidance on dealing with external sources of bullying refer to Comcare's publication, *Applying best practice principles to the prevention and management of customer aggression*, 2000, www.comcare.gov.au/publications/OHS_33/.

⁵ Cotton P, Hart P M, Palmer R, Armstrong K, Schembri C, *Research Summary: Bullying Behaviours in Public Sector Work Environments*, 2001, www.comcare.gov.au.

- people in ‘precarious’ employment such as temporary, casual or labour-hire workers;
- whistleblowers;
- new and/or young workers; and
- people working in health and community services, education, public administration and the service industries.⁶

Workplace relationships

Unsatisfactory workplace relationships and poor workplace communication may encourage an environment/culture where bullying is more likely to occur and be tolerated.

Work systems

System factors such as lack of appropriate policies and procedures, a high rate and intensity of work, staff shortages, work arrangements such as isolated work groups, lack of experience and skill amongst employees, role conflict, poorly-defined jobs and high levels of uncertainty about job requirements are system stressors that can contribute to or support bullying behaviours.⁷

2.5 Who is at risk?

All persons at the workplace are potentially at risk of experiencing bullying. However, persons affected by one or more of the organisational factors discussed in 2.4 are likely to be at increased risk.

Persons who bully may endanger their own health or safety if the person that they bully responds in a violent or otherwise harmful way.

3. Is bullying an OHS issue?

While some may see workplace bullying as an HR issue only, bullying is also an OHS issue because it is a workplace hazard that is a potential threat to health and safety. Recognition that it is also an OHS issue is important and directs focus towards people’s potential health outcomes, as well as their effectiveness at work or desire to leave the workplace.

Workplace bullying has the potential to cause significant harm to individuals.

In extreme situations there is also the risk of occupational violence, which could result in investigation by Comcare and/or police.

⁶ Queensland Government Department of Industrial Relations, *Workplace Bullying Taskforce Report*, 2002.

⁷ WorkSafe Victoria, *Prevention of Bullying and Violence at Work*, 2003, www.workcover.vic.gov.au.

Each individual will react differently to bullying and in response to the particular circumstances. Reactions may include any combination of the following:

- distress, anxiety, panic attacks or sleep disturbance;
- impaired concentration or ability to make decisions;
- loss of self esteem and confidence, a sense of isolation or withdrawal from the workplace;
- physical illness, including digestive problems, skin conditions, headaches and musculoskeletal disorders;
- injury, or increased risk of injury, particularly psychological injury;
- reduced work performance;
- incapacity for work resulting in workers' compensation claims;
- loss of employment;
- deteriorating relationships and reduction in quality of home life; and
- depression and risk of suicide.

As workplace bullying is an occupational health and safety hazard, the risk factors associated with bullying should be identified, assessed and controlled using the same process by which other hazards are managed. However, bullying is a complex issue that is often subtle, covert and difficult to detect. For this reason, bullying may not be perceived as an OHS issue in the same way that other more obvious hazards are. An employee may not report bullying because they:

- do not recognise bullying behaviour as a hazard;
- accept bullying as a normal part of work culture;
- feel intimidated or embarrassed;
- worry that reporting bullying may reflect badly on them and affect their career prospects (that they may be labelled “weak” or “whinging”);
- aren't sure how to deal with the problem or who to report it to;
- believe no-one will act on the problem; or
- fear retribution from the bully.

4. Cost to organisations

Organisations are likely to experience considerable direct and indirect costs.⁸ These include:

- high levels of absenteeism resulting in loss of productivity;
- high levels of staff turnover with associated recruitment and training costs;
- breakdown of teams and work relationships leading to reduced efficiency, productivity and increased errors;
- poor public image (likely to impact on recruitment);
- costs associated with counselling, mediation and support;
- focus of involved staff directed away from core work priorities and activities; and
- costs associated with compensation claims and litigation. Workers' compensation claims that result from bullying are often high cost claims because employees are reluctant to return to their workplace.

5. Bullying in the workplace – responsibilities

Employers and employees have responsibilities under the following legislation.

- The OHS Act.
- Anti-discrimination legislation.
- The *Public Service Act 1999*, which includes Australian Public Service Code of Conduct and Values (applies to Australian public service employees only).

5.1 Occupational Health and Safety legislation

What are employers' responsibilities?

Under OHS legislation, employers have a duty to take all reasonably practicable steps to protect the health and safety at work of their employees. This duty requires employers to take proactive steps to identify those hazards with the potential to affect the health and safety of their employees and to implement measures to eliminate or control the risks arising from those hazards.

This duty extends to psychosocial hazards⁹ in the workplace including bullying behaviours.

⁸Western Australian Government Commission for Occupational Safety and Health, *Violence, aggression and bullying at work: draft code of practice for prevention and management*, 2 September 2005.

⁹Psychosocial hazards involve subjective aspects of work organisation and the workplace social environment and how they are perceived by the individual, as distinct from physical hazards.

What are employees' responsibilities?

Under the OHS Act, employees must take all reasonably practicable steps to ensure that they do not increase or create a risk to their health and safety or to the health and safety of other people at work. Employees who engage in bullying behaviour at work are creating or increasing a risk to the health and safety of others.

Comcare can investigate incidents of bullying and can pursue enforcement action against both the employer and the employee for identified breaches of their duty of care.

5.2 Other legislation

Bullying may involve aspects of discrimination and harassment and such behaviour may be a breach of Commonwealth anti-discrimination legislation including:

- *Disability Discrimination Act 1992*;
- *Sex Discrimination Act 1984*; and
- *Age Discrimination Act 2004*.

Employers and employees can also be held liable for discrimination under the *Human Rights and Equal Opportunity Commission Act 1986*.

Public Service Act 1999

This Act applies to all Australian Public Service employees and outlines the Australian Public Service Values and Code of Conduct. The code of conduct states that all employees when acting in the course of APS employment must treat everyone with respect and courtesy and without harassment. Agency Heads are responsible for investigating suspected breaches of the code of conduct, which includes bullying behaviour, and determining an appropriate sanction, up to and including termination.

The Australian Public Service Commission provides advice on the *Public Service Act 1999* and produces guidance on promoting a workplace culture that is free of bullying and harassment.¹⁰

¹⁰ APSC, *Respect: A good practice guide to promoting a workplace culture free of harassment and bullying in the APS*, 2006, www.apsc.gov.au

6. How to take a proactive approach to preventing bullying



6.1 Get the organisation involved

The goal of prevention initiatives should be to create a culture where bullying is not tolerated, and, if it does occur, is recognised and acted upon. Therefore, the first step to preventing bullying is to secure the commitment and involvement of the organisation.

Senior management commitment

A demonstrated commitment from senior staff and their active involvement in a bullying prevention initiative is vital to ensuring the success of such initiatives.

Senior management can demonstrate commitment by:

- actively endorsing a bullying policy;
- making it clear that bullying in the workplace will not be tolerated;
- ensuring that complaints of bullying are taken seriously and properly investigated;
- modelling positive behaviours of respect and courtesy;
- promoting the APS Values and Code of Conduct (if relevant); and
- consulting with staff at all levels.

Effective Communication through Consultation

One of the primary objectives of the OHS Act is “to foster a co-operative consultative relationship between employers and employees on the health, safety and welfare of such employees at work.”¹¹ It is important that employers consult with employees and encourage the participation of *staff at all levels* in the development of prevention initiatives. Consultation encourages an open, involved and committed approach to all OHS issues.

Consultation with employees will help employers identify the extent of bullying in the workplace, including the local concerns of staff, and determine the most useful prevention measures.

Consultation can take place in a number of ways including:

- through existing OHS consultation mechanisms, such as Health and Safety Committee meetings, and discussion with Health and Safety Representatives (HSRs);
- direct discussion with staff;
- by setting up structured focus groups;
- involving staff in the risk management process; and
- inviting comment on policies and proposed procedures.

Before commencing a risk management strategy to prevent bullying it is important to raise awareness of the issue amongst staff, clarify management’s position in relation to bullying and provide clear guidelines for how incidents should be reported and managed.

Promote awareness

Use a variety of strategies to promote awareness of bullying as an issue throughout the organisation including training and information sessions, staff meetings, staff bulletins, intranet, informal discussion groups etc. Provide information when recruiting or promoting employees, running induction training and engaging contractors. Ensure information provides clear guidance on what constitutes bullying behaviour and the consequences of bullying. Emphasise that:

- bullying is unacceptable;
- management are committed to a bullying-free environment; and
- incidents of bullying behaviour should be reported.

¹¹ Section 3 (e) of the OHS Act.

6.2 Develop a policy and procedures

Ensure the organisation has an up-to-date policy on bullying, which clearly addresses the issue and is developed and reviewed in consultation with employees. The contents of the policy must be made known to all staff, applied consistently and reviewed regularly. See Appendix 3 for further information on policy content.

Clear reporting, investigation and resolution procedures are essential to the good management of bullying incidents. Reports which are ignored or mishandled decrease the likelihood that reports will be made in the future and may send a signal to the bully that their behaviour is condoned. Ensure procedures are in place and available to all staff.

Complaint handling

Each organisation should have clear procedures in place for the reporting and handling of bullying complaints or grievances.¹² These processes should ensure the following:

- employees know when and how to make a report of bullying;
- persons appointed to handle complaints are aware of their roles and responsibilities and are fully trained in complaint handling procedures;
- both informal and formal complaint procedures are available;
- informal complaint procedures using mediation between parties that do not require records to be kept or disciplinary action to be taken are developed and utilised where appropriate;
- formal complaint procedures that require record keeping and may result in disciplinary action are utilised where necessary;
- new complaint handling procedures for bullying align as much as possible with existing procedures;
- procedures effectively integrate OHS and HR policies and practices;
- complaints are treated seriously and complaint handlers respond promptly;
- complaints are investigated impartially;
- confidentiality is maintained;
- support and advice are provided to all persons involved, as required;
- a range of available resolution options are available and utilised appropriately including mediation, counselling, apologies, removal of the perpetrator, written warnings or other disciplinary action; and
- external professional services are used when needed to aid in the investigation and resolution of bullying allegations.

¹² For more information on internal complaint procedures see www.humanrights.gov.au/info_for_employers

6.3 Inform, instruct and train

A mix of information, instruction and training is required to reduce the risk of bullying in the workplace.

As bullying has been linked to situations of role conflict and uncertainty it is important that employees understand their role and have the appropriate skills to do their job. In particular, employees who supervise others should have developed supervisory skills. Training to help individuals develop these skills should be provided **prior** to commencement of duties or where skills appear to be lacking. Similarly, employees performing the role of harassment contact officers or with a role in handling bullying reports will need specific training to assist them in carrying out these tasks.¹³ Training for managers to ensure they are able to recognise bullying may also be required.

Information about workplace bullying such as how to comply with related policies and procedures, measures used to prevent bullying, how to make a report, how the organisation deals with bullying behaviour and how to access support or advice should be provided to all employees.

6.4 Undertake ongoing risk management

To ensure employers meet their duty of care, they should apply a systematic risk management approach that is regular and ongoing. Existing risk management methodologies used in OHS can be adapted to fit the nature of psychosocial hazards. Risk management is important as it may identify particular problem areas in an organisation, focus on potential effects of changes, ensure new issues are noticed and can feed back into reviews of policy and procedures.

Step 1 – Identify sources of potential harm

Consider whether employees are at risk of bullying by identifying the factors that could contribute to or encourage bullying behaviour. Remember that bullying is often subtle and covert and may be difficult to detect. Even if there are no obvious signs of workplace bullying, it may still exist.

Direct sources of information include:

- grievance/complaints/harassment data;
- employee opinion surveys;
- exit interviews;
- reports from HSRs;

¹³ WorkSafe Victoria, *Prevention of Bullying and Violence at Work*, 2003, www.workcover.vic.gov.au.

- issues raised by Health and Safety committees; and
- workers' compensation claims.

The following indirect sources of information *may* indicate that bullying behaviour is occurring:

- patterns in absence, turnover and other human resource data;
- increased levels of unhealthy conflict indicating deterioration of work relationships;
- requests for transfers out of an area;
- deterioration in work performance;
- utilisation of harassment contact officers;
- increases in workplace grievances or complaints; and
- employees becoming withdrawn and isolated.

Also consider whether any of the following circumstances are present as they may indicate increased risk for bullying behaviour:

- significant organisational changes such as restructuring or technological change;
- poor workplace communication;
- high rate and intensity of work;
- staff shortages or lack of experience and skill amongst employees;
- role conflict;
- poorly-defined jobs and high levels of uncertainty about job requirements; and
- workers who may be considered to be particularly vulnerable.

Step 2 – Assess the risk

Systematically assess the risk of potential harm to employees' health and safety.

- Analyse information from step 1 to determine the specific behaviours and circumstances that have or could result in incidents of workplace bullying.
- Assess the level of risk for each situation by considering the likelihood that bullying will occur and the potential consequence if it does. Remember that the potential consequences of bullying behaviour can be significant in terms of both the ongoing psychological health of the individual and the cost to the organisation. The likelihood of bullying occurring may be high if there have already been workers' compensation claims for bullying behaviour, or reports of bullying behaviour, or if there is a combination of circumstances and risk factors that indicate bullying is likely to occur.

- Identify the priority areas for action (i.e. high risk behaviours, circumstances and major contributing factors).

Always document risk assessments and retain records, as they constitute evidence of risk management.

Step 3 – Control the risk

Controls implemented need to reflect the hazards identified and degree of risk.

Bullying prevention initiatives should have components for:

- **addressing the workplace factors that are risk factors contributing to the potential for bullying.** Strategies may involve an organisation-wide response or target symptoms in a specific area, however where multiple risk factors are identified an organisation-wide response is more likely to be appropriate. Consider addressing bullying as part of a wider psychological injury prevention program;¹⁴ and
- **minimising the impact of bullying on employees by encouraging early reporting and prompt responses.** Initiatives of this type are known as “early intervention” initiatives as they aim to recognise a situation and intervene at an early stage to prevent the situation from escalating to the point where a person develops a serious illness or injury.

Control strategies to address bullying risk factors include but are not limited to the following:

Leadership initiatives

- Actively promoting a supportive leadership culture that will not accept bullying and which encourages and acts on reports of such behaviour;
- leadership training to employees with supervisory or managerial responsibilities, focusing on:
 - enhancing levels of supportive behaviours;
 - providing feedback – formal and informal;
 - engaging employees in decision-making processes; and
 - effective management of workload and priorities;
- staff coaching programs; and
- establishing accountability for people management for all supervisors and managers.

¹⁴ For further information refer to Comcare’s publication, *Working well: an organisational approach to preventing psychological injury*, 2005, www.comcare.gov.au.

Workplace culture initiatives

- Improving recruitment and induction by focusing on selecting and socialising people into a positive, values-based work culture¹⁵;
- ensuring standards of behaviour are integral to the performance management system and that the system provides for early discussions where there is an issue around behaviour;
- applying quality control to the performance management system;
- developing a conflict management process and training staff members in conflict resolution;
- providing additional employee training, e.g. on workplace diversity and tolerance; and
- using the Health and Safety Executive's Management Standard on 'relationships' as a better practice guide to the states to be achieved.¹⁶

Other organisational initiatives

- Re-designing and clearly designing jobs;
- reviewing resource availability, staffing levels or excessive working hours;
- improving the availability of flexible working arrangements; and
- building consultation into change management procedures and practices to ensure staff at all levels are consulted prior to and during organisational change.

Early intervention strategies to help minimise the impact of bullying include but are not limited to:

- providing and promoting easily accessible mechanisms for reporting of complaints;
- developing clear guidelines and procedures for complaint handling;
- acknowledging that bullying has occurred (where possible);
- implementing/improving formal and informal investigation and resolution processes in accordance with internal complaints processes;
- providing training in complaint handling, investigation and resolution processes;
- providing mediation between parties (where appropriate);

¹⁵ See the Australian Public Service Commission's publication *Respect: A good practice guide to promoting a workplace culture free of harassment and bullying in the APS*, 2006, www.apsc.gov.au.

¹⁶ The Health and Safety Executive (HSE) in the UK has developed a standards-based approach to the prevention of psychological injury by identifying certain principles as a basis for their management standards. The management standards represent desirable states to be achieved and may be used as a guide to good practice. See www.hse.gov.uk.

- providing confidential support structures for persons who have experienced bullying by developing networks or groups of trained harassment contact officers, advisers in the HR area and Employee Assistance Programs (EAP);
- offering counselling to both perpetrator and affected person;
- provision and promotion of EAP services;
- disciplining the perpetrator; and
- monitoring workplace relationships.

6.5 Monitor, Evaluate and Improve

Monitor and review the process of implementing bullying prevention initiatives, including awareness of bullying, to ensure that interventions are successfully carried out and any issues or difficulties with implementing measures are addressed. Consider including progress reports on the implementation of bullying prevention initiatives as a regular item on senior management meeting agendas.

Monitor and evaluate the effectiveness of interventions by considering a range of outcome measures including:

- patterns of sick leave, staff turnover, injury reports and workers' compensation data;
- progress against agreed targets and performance indicators in relation to strategy goals;
- monitoring feedback from sources such as surveys, exit interviews, EAPs and from persons who have experienced bullying, HSRs, Health and Safety committees, union representatives, mentors, managers and supervisors; and
- organisational performance and employee satisfaction surveys.

Document all reviews and retain records as further evidence of risk management.

Encourage reporting of bullying incidents, as employees must be willing to report incidents for an accurate assessment of intervention effectiveness to be made. Analyse reports of bullying and investigations to determine where further training may be required.

Improve interventions as indicated by the evaluation and review.

Aim for continuous improvement, rather than expecting a dramatic and uniformly positive impact.

Appendix 1: Case Study

Introduction

This real life case highlights managers and employers' duty of care responsibility to deal with workplace bullying. It illustrates that bullying can occur upwards, as well as downwards, or between people at the same level in an organisation.

The circumstances

The worker was appointed to a new position as a team leader during management restructuring and obtained the position in competition with her previous manager, who she effectively “leap-frogged” in the hierarchy by gaining the new position. The worker encountered resistance to change in her new team, along with a lack of cooperation and loyalty. Some members of the team maintained their loyalty to their previous manager and resented the promotion of the new team leader. The worker received no management training before embarking on her new duties.

The behaviour

Several team members engaged in a variety of increasingly hostile behaviours towards the worker including:

- failing to accord common courtesies;
- failing to provide assistance during busy periods;
- constantly whispering and making vindictive comments about their team leader;
- disobeying requests;
- making offensive comments; and
- behaving rudely.

Ultimately, one of the team members convened a team meeting to which the worker was not invited and drew up a list of complaints about the worker which they presented to her manager. The worker's manager approved this meeting and accepted the document.

The objective of the bullies in the team seems to have been to get rid of the worker, whom they considered to have gained the team leader position at the expense of their former manager.

The impact on the worker

The worker experienced this behaviour as harassing and undermining and felt humiliated and belittled. In the face of bullying behaviour she frequently became very emotional and withdrew from the immediate situation. As the behaviour escalated she became agitated, anxious, depressed and withdrawn. Finally she was unable to continue working for the organisation due to the development of a psychiatric condition.

Appeals for help

The worker appealed firstly to her immediate manager and then to his manager for assistance and support on a number of occasions. She reported the insubordinate conduct of members of her team and clearly described the adverse effect the behaviour was having upon her.

Management's response

The worker's immediate manager had an open and easy-going management style and was anxious to ensure that he was seen by all staff as their friend. He was reluctant to interfere in the situation and denied and downplayed behaviour and events. The manager believed that most of the worker's complaints were petty and that she should deal with the situation herself. He provided no effective support to the worker, even speaking offensively to her on occasions as a result of his frustration with the situation. The manager ultimately condoned the mutinous behaviour of the team through his handling of the circumstances around the final meeting to which the worker was not invited.

The more senior manager, who was also appealed to by the worker, directed the worker's immediate manager to respond appropriately but did not follow-up this directive.

After the worker ceased work due to stress, formal grievance, investigation and dispute resolution procedures were instituted which included recommendations for:

- intensive leadership/people management skills training for the worker;
- counselling for team members with regard to workplace ethics, code of conduct, demeanour and behaviour towards clients, contractors, management and each other;

- counselling for the worker's manager with regard to his management responsibilities for implementation of the code of conduct and enforcement of standards of behaviour as well as his role in the crisis; and
- using the performance management program to identify shortcomings in the manager's management style with a view to developing an agreed plan of action for improvement.

Legal action

The worker did not return to work due to a continuing psychiatric condition.

Following legal action by the worker a judge determined that the employer was held to be negligent, in that the employer's representative (the worker's former manager) failed in his duty of care to the worker, by failing to take action that would have been reasonable and practicable to prevent what in the circumstances was a foreseeable risk of injury.

The worker received compensation of \$339,722 for psychological injury stemming from workplace negligence.

A subsequent appeal in the NSW Supreme Court of Appeal by the employer was unsuccessful.

Appendix 2: Checklist of actions for senior management

<p>Before you start</p>	<p>Get the organisation involved and secure senior management commitment. Promote awareness through training/info sessions, staff meetings, staff bulletins, intranet, informal discussion groups etc. Emphasise:</p> <ul style="list-style-type: none"> • Bullying is unacceptable. • Management commitment to a bullying-free environment. • Incidents of bullying behaviour should be reported. <p>Develop a policy and procedures relating to bullying, including how complaints of bullying will be handled.</p> <p>Inform, instruct and train all persons within organisation in policy, responsibilities, reporting and investigation procedures.</p>
<p>Step 1 – Identify sources of potential harm</p>	<p>Consider whether employees are at risk of bullying behaviour by identifying the factors that could contribute to or encourage bullying behaviour. Remember that bullying is often subtle and covert and may be difficult to detect.</p> <ul style="list-style-type: none"> • Sources of information include employee opinion surveys, reports from HSRs or issues raised by Health and Safety committees and workers' compensation claims. • Absence, turnover and other human resource data may reveal indirect signs of bullying behaviour. • Other factors that can contribute to risk include organisational change, workforce characteristics, workplace relationships and work systems.
<p>Step 2 – Assess the risk</p>	<p>Systematically assess the risk of potential harm to employee health and safety. Analyse information from step 1 to determine the specific behaviours and circumstances that may result in incidents of workplace bullying, assess the level of risk by considering the likelihood and consequences of bullying incidents and identify the priority areas for action.</p>

<p>Step 3 – Control the risk</p> <ul style="list-style-type: none"> • Address the workplace factors that are risk factors contributing to the potential for bullying • Minimise the impact of bullying on employees by encouraging early reports and acting promptly 	<p>In consultation with employees, health and safety representatives and management develop and implement strategies to minimise and control the risks relating to workplace bullying.</p> <p>Strategies may involve an organisation-wide response or target symptoms in a specific area, however where multiple risk factors are identified an organisation-wide response that addresses organisational symptoms is more likely to be appropriate. Where bullying is present intervene early before serious injury occurs. Implement and improve investigation and resolution processes and support structures for persons who have experienced bullying.</p>
<p>Step 4 – Monitor and review</p>	<p>Monitor and review the implementation (process) and effectiveness (outcome) of interventions.</p> <ul style="list-style-type: none"> • Measure and report against agreed targets and performance indicators and review against strategy goals. • Improve interventions as indicated by the review and evaluation. • Aim for continuous improvement, rather than expecting a dramatic and uniformly positive impact.

Appendix 3:

Guide to developing an anti-bullying policy

A good policy should clearly outline the issue and provide the framework for how the organisation will deal with it.

A written policy should:

- define bullying/and give examples of bullying behaviours;
- clarify what behaviours are **not** bullying;
- reflect the organisation's commitment to positive working relationships;
- make clear that bullying and harassment will not be tolerated and may constitute a breach of anti-discrimination legislation, OHS legislation and the APS Code of Conduct (if relevant);
- outline strategies to promote a culture free from bullying and harassment;
- include senior management endorsement;
- state the possible consequences of engaging in bullying behaviour
- outline responsibilities of employees, supervisors, managers and the head of the organisation;
- encourage employees to take action if they believe they have been bullied or harassed;
- have a process for employees to report or raise issues or complaints;
- include a commitment to a prompt response to complaints;
- provide information about support and protection available to employees;
- have assurance processes for identifying cultural or systemic issues; and
- be developed in consultation with employees.

Ensure the policy is:

- written in plain language;
- communicated to all employees;
- accessible to all employees;
- applied consistently; and
- reviewed regularly.



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