



it's not too much to ask

**Everyone needs to speak up or speak out  
against unacceptable behaviour.**

*The standard that you walk by - is the standard you accept.*

# WORKER GUIDE

*to*

***Dignity & Respect***

***@ Work***

## Dignity and Respect

“Dignity and Respect” requires an organisation to have and maintain a certain behavioural culture that is inclusive, supportive, positive and productive.

## Types of bullying behaviour

All workplaces experience occasional differences of opinion, tension and conflict. It is a part of working life. However, if ‘unreasonable behaviour’ is repeated then it is likely to amount to workplace bullying.

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

### Within this definition:

**‘repeated’** refers to the persistent nature of the behaviour and can refer to a range of behaviours over time. Behaviour is considered ‘repeated’ if an established pattern can be identified. It may involve a series of diverse incidents – e.g. verbal abuse and deliberate damage to personal property.

**‘unreasonable behaviour’** means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten a worker or group of workers.

**‘behaviour’** includes actions and comments towards an individual or a group, and may involve using a system of work as a means of victimising, humiliating, undermining or threatening.

**‘risk to health and safety’** includes a risk to the mental or physical health of the worker.

## Single Incidents of Unreasonable Behaviour

A single incident of unreasonable behaviour may not be considered bullying. Nevertheless, this should not be ignored or allowed. Those incidents should not be allowed to escalate and should be treated seriously. This will help prevent future incidents occurring.

## Direct & Indirect Bullying

Bullying behaviour may be direct or indirect.

### Direct Bullying Behaviour may include:

- Verbal abuse
- Threatened or actual assault
- Interfering with someone’s personal property or work equipment

- Humiliating someone especially in front of other workers
- Spreading unfounded or malicious rumours
- Sexual harassment

**Indirect Bullying may include:**

- Unjustified criticism or complaints
- Deliberately excluding someone from workplace activities
- Withholding information that is vital for effective work performance
- Excessive unwarranted monitoring of a person's work
- Unreasonably removing areas of responsibility and imposing menial tasks

## Criminal offences

Some types of workplace bullying are criminal offences, for example:

- Physical assault
- Harassment – especially if based on gender or racism
- Violent threats &/or death threats
- Obscene and harassing phone calls and texts
- Stalking
- Photographing someone in an area where they expect privacy
- Sexual assault

If you have experienced any of this behaviour you can report this to the police.

## If you experience bullying behaviour

If you believe you are experiencing behaviour that might be bullying, it is important that you keep a record of the behaviour at the time that it occurred in case you want to report it at some stage.

Types of information to record include:

- **WHO** said what?
- **WHEN** was it said?
- **WHERE** was it said?
- **WHY** was it said?
- **WHAT** was said?
- **HOW** was it said?
- **WHO** else is affected?
- **WERE** there any **WITNESSES**?

- Is there anything in **WRITING**?
- How is it **IMPACTING** on you?

Before making a formal report it is strongly advised you speak with your HSR and/or your union for advice.

If you see bullying – **be a supportive bystander**. Practical ways to be a supportive bystander include:

- Let the person being bullied know you saw/heard what happened and it wasn't okay.
- Make it clear to others that you won't be involved in bullying.
- Never stand by and watch or encourage bullying.
- Do not harass, tease or spread gossip about others, (including on social networking sites like Facebook)
- Never forward on or respond to messages or photos that may be offensive or upsetting.
- Support the person who is being bullied to ask for help e.g. go with them to a place they can get help or provide them with information about where to go for help.

## Reasonable Management Action

The definition of “bullied” in the FWA excludes “reasonable management action carried out in a reasonable manner.”

- It is important to differentiate between reasonable management action and workplace bullying.
- Feedback and counselling on work performance and other behaviours intended to assist workers should be dealt with in a constructive way which is not humiliating or threatening. The performance management process requires two way communication regarding work expectations.
- Disciplinary processes must incorporate principles of procedural fairness and provide appeal or review processes.
- Any workplace change or restructuring should be conducted consistent with legislative obligations and include genuine consultation with workers and their representatives.

## Fair Work Act 2009

A worker who reasonably believes he/she has been bullied at work can apply to the Fair Work Commission for an order to stop the bullying. Successful outcomes using this process are rare and workers should seek advice from their union before proceeding.

In addition to the *Fair Work Act 2009* and the *Work Health and Safety Act 2011*, you may have rights under your enterprise agreement or industrial award to apply to the relevant tribunal for assistance in resolving a workplace dispute. Contact your union for advice as to the best dispute pathway for you.

## Work, Health & Safety Legislation

The *Work Health and Safety Act 2011* (WHS) and the *Work Health and Safety Regulation 2017* provide for dignity and respect at work.

- Persons Conducting a Business or Undertaking (PCBU), in order to meet their primary 'duty of care' obligations under **Section 19 of the WHS Act** and the **WHS Regulation**, have an obligation to be proactive and systematic by conducting risk assessments to ensure risks from hazards, including bullying, are appropriately managed. This includes having policies and processes to ensure workplace dignity and respect.
- **Clause 34 of the WHS Regulation** requires all PCBU's, in managing risks to health and safety, to identify reasonably foreseeable hazards that could give rise to risk to health and safety, including physical and psychological health. This clearly covers bullying.
- The WHS Regulation requires PCBU's to eliminate risks associated with bullying and workplace violence. The only way to eliminate these risks is to develop and implement effective policies and procedures. These policies must set out the processes for reports and appeals. Training for managers, supervisors, workers, HSRs and HSCs is essential.

**Dealing with Workplace Bullying – A Worker's Guide – Safe Work Australia** is a helpful guide for workers in dealing with workplace bullying, however it is not legislation and cannot be used as evidence in a court of law.

## What You Can Do

- Promote dignity and respect in your workplace community.
- Get a copy and follow your workplace dignity and respect policy and procedure.
- Be a supportive bystander. If you witness unacceptable behaviour, speak to that person who may not be aware of their behaviour and support the person who has experienced the unacceptable behaviour.
- Report any incidents to your elected HSRs, manager/supervisor and union.
- Complete an incident report form. Get advice from your union or elected HSR about what information to include.
- Ensure the complaint is dealt with in accordance with the workplace dignity and respect policy and procedure.
- If there is workplace violence and you are concerned for your safety or the safety of others, call the police.