IDENTIFYING AND ADDRESSING WORKPLACE BULLYING
Disclaimer
This Guide provides general information about the obligations of persons conducting a business or undertaking and/or persons in control of premises and workers under the Work Health and Safety Act 2011. The Guide gives some suggestions for complying with these obligations. However, this Guide is not intended to represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. Full details of legal obligations and responsibilities are set out in the Work Health and Safety Act 2011 referred to in this Guide. If you refer to the legislation you should take care to ensure that you use the most up-to-date version, available from www.legislation.act.gov.au. You should seek legal advice if you need assistance on the application of the law to your situation.

Acknowledgement
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IDENTIFYING AND ADDRESSING WORKPLACE BULLYING

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WORKPLACE BULLYING IS A SERIOUS WHS ISSUE

Workplace bullying is a growing problem in Australian Workplaces. It is estimated by the Australian Psychological Society (2008) that 70% of workers in the Australian workplace have been the victim of bullying at work at some point in their working experience. Of the remaining 30% of the sample studied, 13% indicated that they had witnessed bullying at work.

Under the Work Health and Safety Act 2011, a person conducting a business or undertaking (PCBU) is obliged to take all reasonably practicable steps to manage health and safety risks in their workplaces. Workplace bullying is one such health and safety risk and may lead to the development of serious psychological injury. Bullying is not acceptable under any circumstance and should be treated like any other significant workplace hazard.

Failure to take steps to address bullying could constitute a breach of the Act and could have serious repercussions, not just for those bullying or being bullied, but for the organisation as a whole.

FOLLOW OUR FOUR STEP PROCESS
(for addressing workplace bullying as a work health and safety hazard)

The Four Step Model outlined below has been reproduced from the Stop Bullying in SA program. The model is a guide to conducting a health and safety risk assessment to identify, assess and ‘control’ the factors which contribute to workplace bullying. The model also includes a number of key actions a PCBU should take to meet their obligations and either prevent bullying or harassment from occurring in their workplaces, or minimise the potential impact on workers when bullying does occur.
THE FOUR STEP PROCESS

Step 1: Identifying the hazard
Step 2: Assessing the risk
Step 3: Controlling the risk
Step 4: Evaluating and reviewing the process.
**STEP ONE—IDENTIFY THE HAZARD**

The first step in the process is establishing whether bullying exists in the workplace, or whether there is the potential for bullying to occur at some point in the future. Workplace bullying is often subtle or hidden. Although there may be no obvious signs of workplace bullying, it does not mean that such behaviour or conduct does not exist.

The onus is on the PCBU to actively take reasonable steps to help to identify whether workplace bullying exists, or has the potential to exist. It is, therefore, recommended that a PCBU:

> consider the work required and work procedures, to determine if there are factors in the workplace that make it more likely that bullying can occur
> focus on the systems of work rather than on the individuals
> conduct a survey of workers on the issue of workplace bullying
> monitor patterns of absenteeism, sick leave, staff turnover, grievances, injury reports and other such records to establish any regular patterns or sudden unexplained changes
> monitor deterioration in workplace relationships between workers, clients and/or managers
> monitor feedback from exit interviews or feedback given directly from managers/supervisors or any other internal or external party.
<table>
<thead>
<tr>
<th>IDENTIFICATION CHECKLIST</th>
<th>Yes</th>
<th>No</th>
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</thead>
<tbody>
<tr>
<td>Do you have workplace procedures and reporting procedures in place relating to workplace bullying?</td>
<td></td>
<td></td>
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<tr>
<td>Have you established and promoted expectations for appropriate behaviour?</td>
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<tr>
<td>Are workers made aware of workplace bullying procedures, their specific roles and responsibilities and appropriate behaviours concerning workplace bullying?</td>
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<tr>
<td>Is there a clear process or procedure for dealing with and resolving conflict and aggression within the workplace?</td>
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</tr>
<tr>
<td>Are your workers aware of the ACT’s Work Health and Safety Act 2011 and Discrimination Act 1991 and, in particular, that acts of discrimination or harassment are unlawful and will not be condoned in the workplace?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If you have answered ‘No’ to any of the above checkpoints, you may need to conduct a risk assessment of your workplace and develop the appropriate policies and procedures.</td>
<td></td>
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</tr>
<tr>
<td>Have grievances or complaints previously been raised by workers concerning workplace bullying?</td>
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<td></td>
</tr>
<tr>
<td>Do absenteeism or sickness rates or patterns suggest that workplace bullying may be an issue in the workplace?</td>
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</tr>
<tr>
<td>Are there blatant incidents or acts of workplace bullying that are condoned or accepted in the workplace, such as the initiation of new workers, offensive literature, pictures or behaviour, etc., that a reasonable person would consider inappropriate?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are there unusual levels of staff turnover or requests for transfer that may be attributed to incidents or acts of workplace bullying?</td>
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</tr>
</tbody>
</table>
STEP TWO—
ASSESS THE RISK FACTORS

The second step involves determining, in consultation with those affected, the specific behaviours and circumstances that may result in incidents of workplace bullying and then assessing the likelihood of these behaviours affecting the health, safety and welfare of workers.

A person conducting a business or undertaking should check whether the following situations are occurring, or have been identified through the process undertaken in Step 1.

> repeated, unjustified criticism
> threats of punishment for no justifiable reason
> overloading a particular person with too much work or an unreasonable share of unpleasant jobs
> constant unwarranted or unjustified checking of a worker’s work quality, output or whereabouts
> humiliating a person through constant criticism, sarcasm and/or insults, especially in front of other workers, customers or clients
> denying opportunities for training, promotion, interesting jobs or assignments
> deliberately withholding information necessary for a person to be able to perform work to the required standard
> sabotaging a particular person’s work
> excluding a particular person from workplace social events
> spreading gossip or false rumours about a particular person
> dangerous practical jokes or forms of ritual humiliation, including initiations
> behaviour involving yelling, throwing things or physically hitting others.
STEP THREE – CONTROLLING THE RISK FACTORS

The third step involves developing and implementing strategies and plans to minimise and ‘control’ (i.e. to either eliminate or reduce the likelihood or impact of) the risks relating to workplace bullying. It is recommended that these include:

> informing all workers about bullying and harassment. Advise them about things that might be considered to be bullying as well as things which aren’t. Our Workplace Bullying awareness training course is just one way of achieving this

> developing a Workplace Bullying Policy. Ensure that the policy is developed in consultation with your workers

> adopting a Code of Ethics or Values which clearly state what sorts of behaviour are acceptable or valued, as well as those which are not and your “no tolerance” approach to workplace bullying

> developing a complaint handling and investigation procedure that establishes clear consequences for failing to comply with expectations of appropriate behaviour and follows due process

> ensuring that all managers and all persons who have responsibility for workers are aware of the responsibilities they have to assist the worker in complying with their work health and safety obligations

> ensuring that all people who have control of a workplace provide responsible, mature supervision and workplace monitoring

> providing managers with the support and skills required for them to effectively prevent and/or respond to bullying

> nominating a contact officer(s) within the workplace and providing training for that role

> providing clear job descriptions that include an outline of the specific roles and responsibilities for each position within the workplace

> following through. Relevant disciplinary action must be taken against workers who engage in bullying behaviour. Both bullies and workers will quickly recognise threats which are not backed up by strong action when appropriate

> keeping statistical records and information relating to productivity, absenteeism, grievances, work related injuries, customer complaints, disciplinary actions and so on

The strategies and plans that are used to minimise or control the risks relating to workplace bullying need, of course, to suit the size and structure of the workplace, as well as being realistic and achievable. They should be designed to create long-term change within the workplace and not used simply as a quick fix for the problem.
STEP FOUR - EVALUATION AND REVIEW

The fourth step involves the ongoing review and evaluation of the strategies and plans that have been implemented to prevent and control workplace bullying. The evaluation and review process should ensure that the strategies implemented are effective in preventing or minimising incidents of bullying within the workplace.

If the strategies have not been effective, it is important that further analysis of the situation occurs in order to determine how the person conducting the business or undertaking can rectify the situation. Recognising and removing the risk is not a one-off process. PCBU’s should ensure that the four-step process is a continual cycle within their workplace in order to prevent workplace bullying from recurring.

If you have a Health and Safety Representative and a Health and Safety Committee, consultation with them should be a part of the process used to develop antibullying strategies and to monitor and review their ongoing effectiveness.

The functions of an elected Health and Safety Representative include liaising with workers on health, safety and welfare matters, and reporting to the PCBU any hazard or potential hazard to which the workers might be exposed. Where there is a Health and Safety Committee, the Health and Safety Representative may refer the matter to the Health and Safety Committee.

If workplace bullying is reported, the PCBU should consider the extent to which the Health and Safety Representative should be involved in resolving the issue, and the rights of both parties to confidentiality pending investigation. The workplace policy and procedures should address both of these issues.
COMPONENTS OF A COMPLETE COMPLAINT RESOLUTION PROCESS

It is important that all workers are made aware that a procedure exists in the event that they experience bullying at work. Within the procedure, it is useful to provide a number of resolution options for workers that range from taking action personally to lodging either an informal or a formal complaint.

A complaint resolution process is designed to remove the risks of bullying behaviour at work by implementing a planned and systematic approach to the management of this workplace hazard. There are three main components to a complete complaints resolution process. These are:

- Personal Options
- Informal Resolution Process
- Formal Investigation Process

These are not necessarily sequential processes. That is, it should not be an absolute requirement that a worker cannot choose to access one particular option unless they have already attempted to resolve the matter using the preceding options.

While in some cases this may be desirable, it will not always be possible, for a range of reasons, not least of which may be the seriousness of the situation in question.

Given the possible power imbalance at the heart of the matter, pursuing personal options for response can, in many cases, be very difficult for those who believe they are being bullied.

It is essential that investigations and / or mediation are perceived to be truly independent and free from bias. It is also essential that the investigation process is an objective one, free from subjectivity.

If sourcing such activities externally is the best way to achieve this, that will be money well spent. Expected savings flowing from internal investigations can be more than offset by issues arising from perceptions of bias or ‘cover-up’.

Ensure there is follow through. A lack of follow-through can render processes and procedures worthless in the eyes of workers and significantly reduce their value in preventing or managing bullying.
PERSONAL OPTIONS

The majority of complaints can be resolved quickly and effectively at the local level.

The personal options open to a person who is experiencing bullying at work include:

> Talking to someone trusted. A close friend, relative or colleague may help you to decide whether what you are experiencing at work is bullying or whether it is just annoying behaviour that you will find in any workplace from time to time. It can be very hard to be objective about what is happening to you and sometimes the perspective of a friend or support person can help put things in context.

> Seeking medical attention or other help. You may feel that you are not coping well with the situation you find yourself in. If necessary, consult your medical practitioner or seek other professional help. As with talking to someone you trust, there are times when it is better to seek help rather than just hope that things will get better. Once again, this can also help you to get an independent and more objective view of what is happening to you.

> Talking to the Contact Officer. If you are still unsure, or if you want some advice and support in dealing with the situation at work, talk to the workplace bullying Contact Officer for your work area, if there is one. If your workplace does not have a Contact Officer, they may have an EAP (Worker Assistant Program) Provider. This is a service which provides confidential advice to workers from an independent advisor or counsellor. Consider contacting such a service – they are obliged to ensure that your contact with them is completely confidential.

> Speaking to the perpetrator directly. You may choose to speak to the perpetrator directly. Be mindful of personal safety and the likelihood of reprisals and keep a record of the conversation.

> Talk to your supervisor. If possible, tell your supervisor about your concerns. The supervisor cannot address the problem if they don’t know about it. You shouldn’t always assume that people higher up in the organisation know what is going on. Bullies can be very adept at presenting a different face to other workers. If your supervisor is the person whose behaviour is concerning you, then in most cases the procedure would direct you to tell the next person of seniority in your work area.

> Talk to your human resources section. The human resources or personnel section of the organisation is there to help you deal with issues that affect your work, especially when you feel that you cannot talk with your manager or supervisor about them. The human resources section can give you advice about the correct process to follow to address the behaviour that is concerning you and can direct you to other avenues of support such as the Worker Assistance Program. Components of a Complete Complaint Resolution Process

> Talk to your union and/or health and safety representative. Your union and your workplace health and safety representative can assist you with advice and support in addressing workplace bullying. They will only act on your behalf if you give them permission to and therefore your discussion with them can be completely confidential.

> Follow your organisation’s procedure. Locate your organisation’s policy and procedure for dealing with workplace bullying and follow the steps therein. In most cases this will include various levels of possible response such as personal, informal and formal options. It should be noted that if the worker chooses to resolve the complaint by using the personal options, this does not in any way absolve the PCBU from their duty of care to eliminate workplace bullying. The PCBU is also responsible to ensure that the victim is protected from reprisals.
PERSONAL OPTIONS

The majority of complaints can be resolved quickly and effectively at the local level using the Department’s Informal Resolution Process as detailed below.

<table>
<thead>
<tr>
<th>Process</th>
<th>Complainant</th>
<th>Line Manager</th>
<th>Respondent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do nothing</td>
<td>The complainant can choose to take no action at all. The situation is unlikely to change.</td>
<td>The line manager may be unaware of the situation.</td>
<td>May be unaware that their behaviour is causing distress.</td>
</tr>
<tr>
<td>Discuss with Complainant</td>
<td>Tells the respondent how their behaviour makes them feel and asks them to stop.</td>
<td>Manager may be unaware of the situation. If the Manager is aware of it, there is a duty of care to prevent the bullying from continuing and to support the parties involved. The Manager should continue to monitor the situation.</td>
<td>The respondent needs to acknowledge that their behaviour may have caused some distress to the Complainant. The respondent should modify their behaviour to reduce any distress or offence their behaviour is causing. Apology to the Complainant.</td>
</tr>
<tr>
<td>Discuss with Contact Office</td>
<td>Discuss the situation with the Contact Officer in the workplace The Contact Officer will only act on the Complainant’s behalf if the Complaint has given permission.</td>
<td>With the Complainant’s permission the Contact Officer can discuss the situation with the line manager with a view to preventing the bullying from continuing.</td>
<td>The respondent may be asked to apologise. Awareness training may be provided.</td>
</tr>
</tbody>
</table>
INFORMAL RESOLUTION PROCESS

An informal resolution process aims to ensure that the bullying incident is resolved as quickly as possible. Although a worker has the right to make either a formal or an informal complaint, they should be encouraged to commence with the informal process first, as this can often achieve a more timely and satisfactory result for both parties.

No investigation or disciplinary action should be taken as a result of an informal complaint. Rather, a no-blame approach should be used to assist the individuals involved to reach an outcome that will ensure appropriate conduct in the future. The main focus is to return the individuals to productive work without further interruption and with no further bullying behaviour.

The meeting is recorded under the Work Safety Risk Management process only. No detailed records are kept. If an agreement is reached in mediation, this should be put in writing and signed by all parties.

CONCILIATION AND MEDIATION

Conciliation and mediation are confidential processes that involve only the conciliator/mediator and the individuals concerned. It is acceptable, however, for the individuals to have a support person present during a conciliation meeting.

The purpose of conciliation is to provide a quick response to an incident by an impartial, suitably skilled conciliator. A manager or another suitably skilled person in the workplace can conciliate the matter if it is appropriate for them to do so, but ideally this would be done by somebody external to the work unit of the individuals involved in the complaint.

Conciliation requires particular skills and must be handled professionally and sensitively with objectivity and impartiality.

The conciliator will generally try to reconcile both accounts of the situation and the outcomes sought, to find a solution that is acceptable to both parties.

The purpose of mediation is to find a resolution that is acceptable to all parties. A win/win outcome is sought. In this instance, the goal would be to ensure that no further bullying or perception of bullying occurs in the workplace.

The mediator should be highly skilled and should be independent of the work area. The role of the mediator is to assist both parties to understand the perspective of the other and to find an agreement that the parties are willing to abide by.

If conciliation and mediation are offered and agreed to by the PCBU, then the process for each should be respected and the agreements reached supported.

Where a worker’s manager is the alleged bully, the manager would obviously not be the appropriate person to act as a mediator or conciliator. The worker and the alleged bully should both be comfortable with whoever is chosen to act as the conciliator or mediator. There should be no perception of bias or of a conflict of interest.

If the informal process fails to reach a resolution then the complaint should be advised that they have the right to pursue a formal complaint.
# INFORMAL COMPLAINTS PROCESS

The majority of complaints can be resolved quickly and effectively at the local level using the Department’s Informal Resolution Process as detailed below.

<table>
<thead>
<tr>
<th>Process</th>
<th>Complainant</th>
<th>Line Manager</th>
<th>Respondent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lodging Complaint</td>
<td>Complaints can be Written or Verbal</td>
<td>Manager must accept complaint either verbally or in writing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Should normally be lodged with next senior line manager or equivalent</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initial Investigation and Meeting</td>
<td>Talk about complaint(s)</td>
<td>Manager must meet with complainant ASAP</td>
<td></td>
</tr>
<tr>
<td>with Complainant</td>
<td>Try to identify most significant aspect(s) of complain</td>
<td>Ask about incident(s)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Try to detail desired outcome(s)</td>
<td>Listen to complainant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Can have a support person present</td>
<td>Seek to identify satisfactory outcome(s) for complainant</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Advise of need to talk to Respondent</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Arrange a report back meeting to Complainant</td>
<td></td>
</tr>
<tr>
<td>Meet with Respondent</td>
<td></td>
<td>Manager must arrange to meet with Respondent ASAP</td>
<td>Can choose to respond immediately or later to issues raised by complainant</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Verbally advise respondent of the complaint(s)</td>
<td>Can choose to respond immediately or later to outcomes sought by complainant</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Verbally advise of outcomes sort</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Advise Respondent that they can have a support person</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Set short timeframe for Response</td>
<td></td>
</tr>
<tr>
<td>Acceptance of Complaint(s)</td>
<td>Meet with Manager to discuss outcome of meeting with Respondent</td>
<td>Advise Complainant of outcome</td>
<td>Meet with Manager and advise of acceptance of complaint and outcomes</td>
</tr>
<tr>
<td>Response by Respondent</td>
<td>May seek/need a meeting with the Respondent and/or Mediation</td>
<td>May require a meeting between Complainant &amp; Respondent to achieve outcomes</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>May require some additional support and/or mediation</td>
<td></td>
</tr>
<tr>
<td>Rejection of Complaint(s)</td>
<td>Meet with Manager for feedback</td>
<td>Advise Complainant and Respondent that the Complaint may escalate to a Formal Complaint</td>
<td>Meet with Manager to advise rejection of the complaint</td>
</tr>
<tr>
<td>Response by Respondent</td>
<td>Advise complainant that they can lodge a formal complaint</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
FORMAL INVESTIGATION PROCESS

It is important that workers clearly understand what to expect from making a formal complaint. For example, you may wish to inform workers that:

> the investigation procedures will adhere to natural justice principles to ensure fairness for all concerned;
> an investigation will occur as soon as possible after the complaint is received; and
> an impartial and independent (preferably external) person who can carry out the investigation without hindrance or bias will conduct the investigation.

THE FORMAL PROCESS

A formal process usually has the following steps:

1. **Verbally advising the supervisor/manager**
   
   The first step in lodging a formal complaint is for the complainant to advise the supervisor or manager that they wish to lodge a formal complaint. If the complainant’s manager/supervisor is the alleged bully, then the complaint should be received by the next person of seniority in the hierarchy.

   It is the responsibility of the person who receives the verbal notification from the complainant to:
   
   > protect the complainant from reprisals;
   > ensure confidentiality is maintained;
   > ensure adequate support is provided to both the complainant and the alleged perpetrator;
   > involve the human resource personnel, as appropriate, to organise the investigation process; and
   > provide assistance to the complainant to submit the written complaint.

2. **Lodging the complaint**

   The complainant should know how and to whom they should lodge their complaint. For example, the complaint should be in writing with specific allegations including dates, times and names of any witnesses. A template should exist for this purpose to make the reporting process easier for the complainant.

3. **Initial Response**

   Arrange for an appropriate senior manager to separately meet with both parties as soon as possible and explain the formal process and their rights and responsibilities. This should include:
   
   > the expected timetable for investigation and resolution of the complaint
   > how the complaint will be investigated (e.g. interviews with the complainant, alleged bully and any witnesses; viewing documentary evidence etc.)
   > who will receive copies of any statements and records of interview if obtained
   > who can be present at interviews
   > whether parties can refuse to participate
what support mechanisms will be in place for each party
what interim measures will be taken to ensure the safety and welfare of the complainant during the investigation (interim measures may include suspension of the alleged bully pending the outcome of the investigation, or assignment to other duties until the investigation is complete).

4. Appointment of an Investigator
With the help of the human resource section, arrange for an independent investigator to investigate the complaint. Ensure the investigator understands their role, the rights of the alleged bully and what the expected outcomes may be. Either party should have the right to challenge the independence and impartiality of the investigator, providing they present reasonable grounds for doing so.

5. The Investigation
The investigator should contact the alleged bully in writing and notify them about:
> the details of the complaint
> interview time
> process and their rights (including the right to have a representative)
> time frame for the investigation
> requirement for confidentiality
> the possible consequences.
The investigator should then interview the alleged bully.

If the Alleged Bully Admits to the Behaviour
If they admit to the behaviour, the matter can be referred back to the PCBU for appropriate action. This may include disciplinary action and/or referral to therapeutic and training support services. The admission of the behaviour and any remorse expressed should be viewed positively and should be taken into account when determining the recommendations.

If the Alleged Bully Denies the Behaviour
If the alleged bully disputes the allegations, further investigations should be carried out in an attempt to determine the facts. This will involve speaking to the complainant, the alleged bully and any witnesses and may also involve considering relevant documentation. The determination is made on the balance of probability when taking all the facts into consideration.

6. Findings
The investigator should provide the PCBU with a written report that includes the findings and the facts upon which the findings are made. The PCBU should then meet individually with both parties to explain to them the findings of the investigation. The findings should also be communicated to the parties in writing.

If the allegation cannot be substantiated, this does not mean the bullying did not occur. A PCBU needs to identify what can be done to assist the individuals to return to a working relationship. This may involve mediation, counselling, changed working arrangements and/or addressing other organisational issues that may have contributed to the circumstances of the complaint.
If the allegation is found to be substantiated, the PCBU must determine what action is appropriate to take to:

> address the bullying behaviour;

> make the bully accountable for his/her conduct (e.g. an apology, a formal warning, disciplinary action, etc.); and

> protect the complainant from any further bullying and/or reprisals (e.g. moving the bully into a different work unit).

**7. Appeal**

Provide mechanisms to enable both parties to appeal against the decision if they consider this warranted.

**8. Access to Counselling and/or Rehabilitation**

Access to counselling, training and other modes of support and rehabilitation should be provided for:

> the complainant, to assist him/her to find coping strategies to deal with the alleged bully whilst the matter is being resolved;

> the alleged bully to enable him/her to support them through the investigation process;

> the alleged bully to recognise and change their behaviour; and

> any other affected team member.

**9. Review**

Ensure the resolutions and continuing wellbeing of the complainant and the alleged bully are reviewed for a period of time following resolution to ensure the actions to stop the bullying have been effective.
SOURCES OF PROFESSIONAL COUNSELLING, ADVICE AND ASSISTANCE.

Worker Assistance Program
Contact with an EAP service is strictly confidential and can provide you with objective and impartial advice about what you are experiencing and what you should do.

Doctor
Being bullied, or believing that you are being bullied, can raise a lot of negative emotions. Depression and anxiety, combined with suicidal thoughts are not uncommon. If you are experiencing any of these reactions you need to seek the help of your doctor immediately.

Your doctor may prescribe medication and/or make a referral for you to see a psychologist. In many cases, this can be covered on Medicare and/or your private health insurance. In cases where medical treatment is due to a workplace injury, the doctor may suggest that a claim for workers’ compensation is lodged. If workers compensation is granted, then you may be compensated for medical and pharmaceutical costs.

Lifeline
In situations where you are experiencing depression, anxiety and suicidal thoughts, it is not always possible to access services such as the Worker Assistance Program or even your doctor (when you experience a crisis in the middle of the night) for example. In such circumstances it may be useful to contact help lines such as those listed below:

- Lifeline Canberra 13 1114
- Suicide Call-Back Service 1300 360 980
- Teen Challenge Care Line (youth suicide prevention) 1300 889 288

Alcohol and Drug Service
It is not uncommon for people who have experienced traumatic events to seek comfort in substances that they think will be able to numb the emotional pain. If you are concerned about your intake of alcohol or other drugs, please contact the ACT Alcohol and Drug Service.

The Alcohol and Drug Service 02 6207 9977

WorkSafe ACT
> If you are unhappy with the way in which your complaint is handled or with the conduct of your PCBU, and you think that they are not meeting their obligation to take all reasonable steps to protect you from harm at work, you can contact WorkSafe ACT (part of the ACT’s Office of Regulatory Services). WorkSafe ACT may investigate the matter to determine whether your PCBU has breached its obligations under the Work Health and Safety Act 2011.

> WorkSafe ACT could, as a result of such an investigation, instruct your PCBU to take various steps to provide better protection for its workers. Refer to our advice at www.worksafe.act.gov.au regarding what action WorkSafe ACT could take.
ACT Human Rights Commission

If you believe that you are being bullied for a particular reason such as your sex, disability, race or another attribute that is protected under the Discrimination Act 1991, or the bullying is of a sexual nature, you can lodge your complaint with the ACT Human Rights Commission, or the Federal Australian Human Rights Commission.

The ACT Human Rights Commission’s details can be found online at www.hrc.act.gov.au or you can ring them on 02 6205 2222.

In some cases, you may choose to seek legal advice regarding how to respond to the bullying you have experienced.
A sample policy for workplace bullying may look something like this:

### Workplace Bullying Policy

<table>
<thead>
<tr>
<th>Scope</th>
<th>This policy will apply to all workers in (name of department or organisation).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Philosophy</td>
<td>“(name of department or organisation)”…is an equal opportunity PCBU that promotes fair, equitable and respectful behaviour in the workplace.</td>
</tr>
<tr>
<td>Principles</td>
<td>Workplace bullying is unacceptable in any circumstance and is not tolerated.</td>
</tr>
<tr>
<td></td>
<td>Harassment on the basis of race, gender, disability or any other reason is unacceptable and will not be tolerated.</td>
</tr>
<tr>
<td></td>
<td>All people in the workplace are treated with courtesy and respect.</td>
</tr>
<tr>
<td></td>
<td>The open expression of views and opinions are encouraged and respected.</td>
</tr>
<tr>
<td></td>
<td>Gossiping about and discrediting co-workers is not tolerated.</td>
</tr>
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<td></td>
<td>Conflict between co-workers is resolved in an open and respectful way that focuses on resolution.</td>
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<td></td>
<td>Inclusiveness, relative to the task at hand, is encouraged and expected in the workplace.</td>
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<tr>
<td></td>
<td>Every worker has the right to access training and development relevant to their work and reasonable career aspirations.</td>
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<tr>
<td></td>
<td>Promotional opportunities will be decided on seniority and merit. Any issues related to work performance will be dealt with between the worker and their supervisor in an open, timely and respectful manner with a focus on skills and performance development.</td>
</tr>
</tbody>
</table>

### Complaint Resolution Process

| Intent | The intention of the complaints resolution process is to resolve complaints at the initial level without escalating them to a formal investigation level. Complainants should be encouraged to use personal and informal resolution options before seeking a formal investigation. If the personal and informal processes fail to resolve the matter then it should be escalated to the formal complaint process. All parties should be supported through the complaints process. |
**Complaint Resolution Process (continued)**

| Personal Options | The complainant makes their supervisor aware of the bullying who undertakes a workplace assessment to identify the hazard.
|                  | The complainant approaches the alleged bully on their own, to ask them to change their behaviour.
|                  | The complainant is protected from any reprisals.
|                  | Outcomes from personal options can be:
|                  | - the alleged bully becomes aware of their behaviour and resolves to change it;
|                  | - a workplace assessment is undertaken and appropriate action taken to reduce or eliminate the risk;
|                  | - informal apology to the complainant;
|                  | - ongoing monitoring of the situation; or
|                  | - counselling and support for both parties.

| Informal Complaint Process | The complainant approaches the alleged bully with a support person, to ask them to change their behaviour.
|                           | Internal mediation or conciliation (using a mediator/conciliator independent of the specific work area).
|                           | External mediation or conciliation (using a mediator/conciliator independent of the organisation).
|                           | The complainant is protected from any reprisals.
|                           | Outcomes of the informal complaints process can be:
|                           | - removal of the alleged bully from the work unit until training and/or counselling is undertaken;
|                           | - formal apology to the complainant and reinstating of any privileges unfairly removed from the complainant as a result of the bullying behaviour;
|                           | - recommendation for disciplinary action to be taken against the alleged bully;
|                           | - agreement as to continued professional behaviour and cessation of any bullying behaviour; or
|                           | - continued monitoring by the area manager.
### Complaint Resolution Process (continued)

<table>
<thead>
<tr>
<th>Formal Investigation Process</th>
<th>The investigation procedures will adhere to natural justice principles to ensure fairness for all concerned.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>An investigation will occur as soon as possible after the complaint is received.</td>
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<td></td>
<td>The first step in lodging a formal complaint is for the complainant to advise the supervisor or manager that they wish to lodge a formal complaint. If the complainant’s manager/supervisor is the alleged bully, then the complaint should be received by the next person of seniority in the hierarchy.</td>
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<td></td>
<td>It is the responsibility of the person who receives the verbal notification from the complainant to:</td>
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<td></td>
<td>&gt; protect the complainant from reprisals;</td>
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<td></td>
<td>&gt; ensure confidentiality is maintained;</td>
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<td></td>
<td>&gt; ensure adequate support is provided to both the complainant and the alleged perpetrator;</td>
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<tr>
<td></td>
<td>&gt; involve the human resource personnel, as appropriate, to organise the investigation process; and</td>
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<td></td>
<td>&gt; provide assistance to the complainant to submit the written complaint.</td>
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<td></td>
<td>An appropriately trained and skilled person who is external to the organisation will be sourced to undertake the investigation.</td>
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<td></td>
<td>The investigator will speak with both parties individually.</td>
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<td></td>
<td>If the alleged bully admits to the behaviour, the investigation need go no further and will move into assessing actions needed to resolve the situation and the repeat of further bullying behaviour in the workplace.</td>
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<td></td>
<td>If the alleged bully denies the allegations, the investigator must interview all witnesses and view relevant documentation to determine whether the allegations can be substantiated or not.</td>
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<td></td>
<td>Both parties are provided with support whilst the investigation is undertaken.</td>
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<tr>
<td></td>
<td>Confidentiality is maintained.</td>
</tr>
<tr>
<td></td>
<td>Outcomes of the formal investigation process can be:</td>
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</table>
Complaint Resolution Process (continued)

<table>
<thead>
<tr>
<th>Formal Investigation Process (continued)</th>
<th>If not substantiated, it does not mean that bullying has not occurred and the person in control of the workplace still has the responsibility for addressing this as a potential future hazard</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>If substantiated, the investigator can recommend:</td>
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<tr>
<td></td>
<td>&gt; disciplinary action, including dismissal of the bully;</td>
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<td></td>
<td>&gt; formal counselling of the bully;</td>
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<td></td>
<td>&gt; counselling and/or training for the bully;</td>
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<td></td>
<td>&gt; counselling and/or training for the entire work group;</td>
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<tr>
<td></td>
<td>&gt; counselling and/or training for the complainant;</td>
</tr>
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<td></td>
<td>&gt; a formal, written apology be given to the complainant;</td>
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<td></td>
<td>&gt; reinstatement of any lost privileges as a result of the bullying behaviour;</td>
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<tr>
<td></td>
<td>or</td>
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<td></td>
<td>redressing of any inequities resulting from the bullying behaviour.</td>
</tr>
</tbody>
</table>

Flow Chart of Complaint Resolution Process

Every effort should be made to resolve a complaint of workplace bullying as the organisation has a duty of care to ensure that this risk is eliminated from the workplace.