BULLYING 2.
I THINK I AM BEING BULLIED, WHAT DO I DO?
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.

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HOW DO I KNOW THAT WHAT I AM EXPERIENCING IS BULLYING?

If you think you may be being bullied then chances are there are some uncomfortable things happening at work. Not all unpleasant experiences at work fall into the realm of bullying, however, and it is important to find out whether what you are experiencing is actually bullying or not.

Workplace bullying can come from superiors and peers but it is most often a situation involving a power imbalance where the bully has more power than the person being bullied. Workplace bullying does not have to be individual behaviour. A group (or mob) in the workplace can also be responsible for bullying and the target may be an individual or a group - in some cases this sort of bullying is referred to as ‘mobbing’.

WHAT IS NOT CONSIDERED TO BE BULLYING

There are things that happen at work that are not considered to be workplace bullying, even when these experiences may be slightly uncomfortable for you. The following are not considered to be bullying:

> Reasonable management action . This can include:
  • counselling you because of concerns about work performance
  • allocating reasonable levels of work to you in keeping with others in the work area
  • applying harsh conditions that are in keeping with OHS standards, when these are applied to everyone else in the workplace
  • changing your roster in a reasonable way, even if you don’t like it
  • asking you for a medical certificate when you are off work sick
  • giving you critical feedback about your work when this is done in privacy and in a respectful manner
  • moving you to a different work area when this is in keeping with your duty statement and you are consulted prior to the move
  • being left out of meetings when they are not relevant to your work.

> Good natured interactions with peers, such as:
  • joking, laughing and telling stories between colleagues when it is not directed at anyone else and does not contain offensive content
  • being asked by a work colleague for a date and they respect your wishes if you decline
  • being respectfully told by a colleague you are bothering them or holding up their work
  • occasionally being left out of social gatherings, such as a group of workers going off to lunch together
  • someone disagreeing with your opinion in a respectful way
  • accidentally being overlooked in a social invitation (so long as this is not a consistent and repeated occurrence).
WHAT IS BULLYING?
For workplace bullying to occur, the behaviour needs to be repeated, unreasonable behaviour that has the potential to cause harm to the health and safety of the worker.

Workplace bullying can take many forms but generally falls under one or more of the following headings:
> Physical
> Verbal
> Social
> Psychological.

PHYSICAL
The physical aspects of bullying also cover violent and sexual behaviours. This form of bullying is not as common as other forms of bullying but can nonetheless have serious health and safety effects. It includes:
> hitting, punching, kicking, pinching
> hair pulling
> tugging at arms, shoulders
> touching the body in a sexually suggestive manner
> rape or sexually molesting
> physical assault.

VERBAL
The verbal aspects of bullying may not physically injure a worker but can cause serious damage to their psychological wellbeing, confidence and self esteem. They include:
> yelling
> verbal abuse, including swearing
> threats
> ridicule
> laughing at or teasing in a derogatory manner
> name calling
> bad mouthing a worker
> spreading rumours about a worker
> gossiping
> telling lies to make a worker look bad.
SOCIAL
Most of us know what it feels like to be left out of the social interactions occurring in a group of people who know each other well. The social aspects of workplace bullying can be defined as such by the deliberate intention of the group to isolate another worker. These include:
> deliberately and consistently shutting another person out of conversations
> not talking to another worker at all
> leaving a worker out of planned social events when all other workers are attending
> everyone leaving a room when a particular worker enters the room
> consistently moving seats when a particular worker sits down beside them
> making negative comments about the way a worker dresses and looks
> moving and hiding a worker’s personal effects (such as their cup, for example) to deliberately frustrate them and finding amusement in their distress
> deliberately and inequitably giving a particular worker rostered shifts that will negatively affect their responsibilities at home
> unreasonably preventing a particular worker from accessing leave entitlements.

PSYCHOLOGICAL
The psychological effects of workplace bullying can be very damaging even when the bullying is physical, verbal or social in nature. There are some psychological aspects of workplace bullying that seem to especially target psychological well being and these include:
> publicly embarrassing or humiliating a particular worker
> constantly changing the requirements of the job without telling the worker
> using emails to embarrass or humiliate a worker
> consistently not including a particular worker in meetings relevant to their work
> repeatedly preventing a particular worker from expressing an opinion when other workers of an equal or lower level in the organisation are permitted to do so
> ridiculing or devaluing a particular worker’s contribution, opinion or idea
> publicly criticising the output and work of a particular worker
> discrediting a worker behind their back
> applying a higher standard of assessment to one worker over others in the workplace and thereby placing that worker in a position where their work is never considered to be good enough
> negative body language such as eye rolling, smirking and turning their back to a particular worker during meetings, especially whenever they talk.
IF I THINK I AM BEING BULLIED AT WORK WHAT SHOULD I DO?

The key principle to addressing workplace bullying is to try if possible to address the behaviour in the least intrusive and least formal way as a starting point. If the informal processes do not result in a satisfactory outcome, then the more formal options can be considered.

1. The first step is to talk to someone you trust

   Talking to someone you trust such as 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.

2. Seek medical attention or other help if you feel you are not coping

   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 then 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.

3. Talk 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 (Employee Assistant Program) Provider. This is a service which provides confidential advice to employees from an independent advisor or counsellor. Consider contacting such a service – they are obliged to ensure that your contact with them is completely confidential.

4. 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.

5. 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.
6. 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 Employee Assistance Program.

7. Talk to your union and/or occupational health and safety representative

Your union and your workplace 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.

8. Contact Access Canberra

If you are unhappy with the way in which your complaint is handled or with the conduct of your employer, 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 Access Canberra and ask them to investigate the matter to determine whether your employer has breached its obligations under the Work Health and Safety Act 2011.

Access Canberra could, as a result of such an investigation, instruct your employer to take various steps to provide better protection for its workers.

Refer to our advice at www.act.gov.au/accesscbr regarding what action Access Canberra could take.

9. Contact the 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 ACT 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.

10. Contact your legal representative

In some cases, you may choose to seek legal advice regarding how to respond to the bullying you have experienced.
SOURCES OF PROFESSIONAL COUNSELLING AND/OR ADVICE.

EMPLOYEE ASSISTANCE PROGRAM
Consider contact your Employee Assistance Program counselling service. 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.

If your workplace does not have an Employee Assistance Program, and you feel that your health is at risk because of what you are experiencing, you may wish to talk to your doctor and, if they deem it necessary, obtain a referral to a psychologist. In many cases, this can be covered on Medicare and/or your private health insurance.

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 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 Employee 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