

Tasmanian Workplace **BULLYING** Prevention Strategy



Please note

This information is for guidance only and is not to be taken as an expression of the law. It should be read in conjunction with the Work Health and Safety Act 2012, the Work Health and Safety Regulations 2012 and any other relevant legislation. To view, go to the WorkSafe Tasmania website at www.worksafe.tas.gov.au

We welcome your feedback on this guide. Send to: wstinfo@justice.tas.gov.au

In this guide:

WHS = work health and safety

PCBU = person conducting a business or undertaking

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Purpose of this Strategy

In recent years, awareness of the prevalence and potential impact of workplace bullying has risen, in line with growing acceptance that bullying behaviours in the workplace are unacceptable and should be identified and rectified when they do occur:

This Strategy provides a framework for WorkSafe Tasmania to:

- develop useful strategies to help reduce the prevalence of workplace bullying in Tasmanian workplaces
- minimise the impact of unacceptable bullying behaviour when it occurs.

It aims to do this by encouraging Tasmanian workplaces to apply seven guiding principles that are pivotal to achieving a positive workplace culture where bullying behaviour is unacceptable.

These principles have been developed as a result of thorough analysis of research into bullying behaviour.

How much of a problem is workplace bullying?

Bullying has a negative impact on the health and wellbeing of the person being bullied. Many people who are targeted by bullying experience extreme emotional upheaval, anger, frustration, anxiety depression and suicide and an associated perception of stigma and shame.

But the person being bullied is not the only victim: negative impacts often extend to families, with the bullied person withdrawing or taking out their anger and frustration at home. Time off work is often required to treat the physical and psychological effects of bullying; or the person may leave their job, adding financial pressure to the family and further compounding an already difficult situation.

It's difficult to quantify the extent of bullying across workplaces because, while many studies have been conducted nationally and internationally, the variations in definitions and perceptions of workplace bullying mean there is a broad spectrum of findings across these studies.

Another reason for the difficulty in knowing the extent of bullying is the lack of quantifiable data about workplace bullying as a result of under-reporting. Under reporting occurs for a range of reasons:

- workplace bullying is seen to be part of the culture of some workplaces
- workers may not recognise bullying when it happens to them, realising only later when the behaviour is entrenched, or in some cases ceased
- some people experiencing bullying do not report it, fearing reprisal or other negative repercussions
- bystanders may not report bullying behaviour for fear of being cast as a 'dobber'
- lack of information that defines bullying means people can be uncertain if they have been bullied or observed bullying behaviour
- small businesses are less likely to recognise or report bullying behaviour.

Other reasons include:

- under-reporting of workplace bullying is prevalent in all workplaces and generally stems from fear of reprisal or adverse impact on career
- workers are often fearful of speaking up about bullying behaviour because of fear of victimisation or that they may end up the subject of bullying behaviour themselves
- many businesses do not have appropriate procedures in place to report bullying, or the issue has been dealt with through other mechanisms such as general work health and safety procedures or grievance procedures
- workplace culture is a key determinant of whether bullying occurs and how long it lasts.

According to the Australian Workplace Barometer project (2009–2011), 6.8% of Australian workers had been bullied at work in the six months prior to being surveyed, with 3.5% experiencing bullying for a period longer than six-months.

Workplace bullying in Tasmania

In 2013, the WorkCover Tasmania Board commissioned independent market research to examine the prevalence and impact of bullying in Tasmania — 1000 individuals and 50 employers participated.

The key findings of the report were:

- 4.7% of respondents reported experiencing bullying in the six months prior to being surveyed (slightly less than the national average)
- 14.5% indicated they had been bullied at some stage in their work life
- 10.4% had witnessed bullying in the six months prior to the survey
- 68.1% of those who reported being bullied were women
- small business employers were more likely to be unaware or in denial about workplace bullying, and workers of small businesses were less likely to recognise or report it
- many people did not recognise bullying behaviour for some time after the bullying had commenced or after it had stopped
- the retail trade, public administration, and health care and social assistance industries were over-represented, with respondents who had been bullied in the six months prior to the survey
- people in 'direct supervisor' positions were most commonly identified as the perpetrators of bullying (44.7% of respondents who had been bullied in the six months prior to the survey).

Guiding principles

WorkSafe Tasmania has identified seven guiding principles that are essential to creating work environments and cultures that minimise the likelihood of bullying occurring.

These seven principles guide WorkSafe's approach to implementing strategies and initiatives aimed at reducing the incidence and harm caused by unacceptable behaviour in Tasmanian workplaces.

- Everyone in a workplace should be treated fairly and with respect.
- PCBU's should be proactive in meeting their duty of care to reduce the risk of unacceptable behaviours occurring in their workplace.
- Workers should be aware of their duty of care not to bully others in the workplace.
- Everyone in a workplace should have a clear understanding of what is and what it is not appropriate workplace behaviour.
- Everyone in a workplace should have an understanding of the options available if they experience or witness unacceptable workplace behaviour.
- Everyone in a workplace should feel that they are able to raise an issue of unacceptable workplace behaviour without fear of victimisation.
- Where unacceptable behaviour does occur in a workplace, intervention should be timely, fair and appropriate.

Objectives supporting the key principles

WorkSafe has developed these five objectives to support the seven key principles.

- To communicate the Australia-wide approved definition of workplace bullying and ensure it is known and understood in Tasmanian workplaces.
- To assist Tasmanian workplaces to understand the types of behaviour that are unacceptable and to understand that bullying behaviour must not occur.
- To assist in building the capacity of Tasmanian workplaces to develop and implement appropriate management systems to reduce the risk of bullying in workplaces.
- To assist in building the capacity of workplaces to prevent the occurrence of workplace bullying through provision of advisory services and promotional material and messages.
- To support workplaces to develop and promote appropriate intervention processes to ensure that when unacceptable behaviour does occur, intervention processes commence early.

Objective I: Communicate the approved definition of workplace bullying and ensure it is known and understood in Tasmanian workplaces

It is critical that Tasmanian workplaces have a broad knowledge and understanding of the approved definition of workplace bullying and unacceptable behaviours in the workplace. Research shows there is a lack of clarity currently about what constitutes bullying and this is a major barrier to taking action to prevent it.

WorkSafe has adopted Safe Work Australia's definition of workplace bullying:

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

There must also be understanding of what behaviours do not constitute workplace bullying; in particular, that reasonable performance management is an essential and important element of the workplace and that requirements to meet reasonable and fair standards of work do not constitute workplace bullying.

Strategies to achieve this objective

- Develop resources that include the approved definition of workplace bullying, and examples of what does and does not constitute workplace bullying.
- Develop articles for Workplace Issues magazine, workplace publications and the media to increase understanding of what does and does not constitute workplace bullying.
- Incorporate workplace bullying information into Advisory Service programs to raise awareness of workplace bullying and its impacts.
- Develop a dedicated page on the WorkSafe Tasmania website about workplace bullying, with links to other relevant information.

Objective 2: Assist Tasmanian workplaces to understand the types of behaviour that are unacceptable and to understand that bullying behaviour must not occur

A clear understanding of what behaviours are unacceptable will create a Tasmanian workplace culture where unacceptable workplace behaviour does not occur and where there are clear expectations that everyone has a responsibility not to bully others.

Many people are not aware of the effect their behaviour has in their workplaces and consequently bullying can be seen as accidental or unintended.

Some workplaces expressed that workers did not always have a clear understanding of the difference between performance review processes and workplace bullying. PCBUs also say they need support in this area as there can be a fine line between workplace bullying and reasonable management action. There have been incidents on both sides of this issue where reasonable action has been perceived as bullying and where management action has crossed the line into bullying.

Workplaces also need to understand that managing psychosocial hazards such as bullying is as essential as managing physical hazards. Workplaces need to know that workplaces can be prosecuted if they do not manage all hazards.

Strategies to achieve this objective

- Communicate the differences between bullying and appropriate performance management in Workplace Issues magazine, workplace publications and the media.
- Promote the need for workplaces to ensure their workplace inductions and training inform staff of the workplace behaviour that is not acceptable and of the policies and strategies in place for dealing with unacceptable behaviour.
- Include the effects of unacceptable workplace behaviour in all bullying resources.
- Include information on the cost of unacceptable behaviours to workplaces through the loss of productivity and staff turnover, in all resources, articles and promotional material about bullying.
- Incorporate into WorkSafe Tasmania's regular compliance activities a compliance program.
- Incorporate topics on bullying into WorkSafe Month activities.

Objective 3: Build the capacity of Tasmanian workplaces to develop and implement appropriate management systems to reduce the risk of bullying in their workplaces

PCBUs must have appropriate management systems to ensure the health and safety of their workers, including systems to manage psychosocial hazards such as bullying.

Tasmanian workplaces have lower than national average scores for their management commitment to protecting worker psychological safety and many PCBUs lack adequate policies and procedures. PCBUs say they are confused about how to develop a management system and meet their responsibilities and that they need support with appropriate policies, procedures and practice.

Taking a risk management approach to bullying is an example of international best practice and Australia is a leader in this regard. Helping workplaces understand workplace bullying risk indicators can help identify areas of a workplace that are most at risk of experiencing bullying behaviours; understanding the risk areas can help businesses ensure management systems are effective.

A management system should include:

- demonstrated management commitment
- a policy that:
 - outlines what is and is not appropriate behaviour in the workplace.
 - outlines processes for reporting and investigating issues of unacceptable behaviour while ensuring that all parties are dealt with fairly and appropriately
 - details possible disciplinary actions if the policy is not complied with.
- processes for managing and monitoring workplace relationships of individuals that may have had time away from work as a result of being subjected to, witnessing, or being accused of unacceptable workplace behaviour
- acknowledgement of the risks in the workplace and strategies to manage these
- induction processes
- training for managers and supervisors.

Strategies to achieve this objective

- Communicate to PCBUs that they have a legislated duty of care to protect workers from unacceptable workplace behaviour, and that they must develop appropriate management systems to meet this duty of care.
- Develop resources that cover developing management systems for workplace bullying.
- Develop and implement a project for the WorkSafe Tasmania Advisory Service and/or Inspectorate to help workplaces develop appropriate management systems.
- Develop a dedicated page on the WorkSafe Tasmania website about workplace bullying, with materials about developing management systems for workplace bullying.

Objective 4: *Build the capacity of workplaces to prevent the occurrence of, and minimise the impact of, workplace bullying*

Workplaces must build capacity to prevent unacceptable workplace behaviour. Objective 3 highlighted the need to develop appropriate management systems; however, management systems alone do not prevent unacceptable workplace behaviour. Research shows that a lack of commitment, awareness and knowledge of systems and processes is a problem for many workplaces.

Responding appropriately and effectively to a report of bullying is challenging for PCBUs. The lack of adequate skills among management to respond appropriately is a key issue.

To ensure a workplace can effectively prevent bullying from occurring and minimise the impact when it does occur, managers need to be trained to deal with workplace bullying issues in a fair, respectful and appropriate manner. They also need to ensure they are following workplace policies and procedures. Managers also need support to implement a performance management program so that it is not seen as bullying.

When unacceptable behaviour does arise within a workplace, managers need to know how to minimise the impact on everyone involved.

Information provided should include what options are available to address unacceptable behaviour, and where to find further information or support, if required.

Strategies to achieve this objective

- Work with training providers to promote existing training courses (or develop new ones on):
 - managing poor performance in a reasonable and fair manner
 - giving and receiving feedback
 - dealing with workplace bullying issues.
- Develop resources about bullying that:
 - provide guidance to PCBUs on their responsibilities
 - clarify the roles of internal and workplace parties
 - clarify the role of WorkSafe Tasmania
 - provide guidance to those accused of bullying.
- Encourage workplaces to establish networks of appropriately trained contact officers.
- Establish a WorkSafe Tasmania Award for innovation in preventing workplace bullying.
- Encourage large workplaces to share their training opportunities with smaller workplaces.

Objective 5: *Ensure that when unacceptable behaviour occurs, early intervention processes commence*

Most people who have been bullied just want it to stop and do not necessarily want to go down a formal path. Most want the alleged perpetrator to be made aware that their behaviour was not acceptable and for the workplace relationship to return to normal as quickly as possible.

However, early intervention processes are not often available and at least half of people who report being bullied said it lasted for six months or more.

Early intervention is a way of resolving an issue before it becomes severe and without an investigation or disciplinary action being taken against an individual. Early intervention usually involves an individual themselves taking steps to manage the situation where they believe they have the capacity to do so; it may also involve colleagues or managers who witness, or are advised of, unacceptable behaviour.

Early intervention is only effective if individuals possess both the knowledge to recognise unacceptable behaviour when it occurs, and the communication skills to confidently initiate a conversation about the behaviour. The strategies and initiatives for ensuring workers have access to quality information are also critical to the success of early intervention.

Managers must be targeted in development of intervention strategies as they influence how bullying is manifested and perceived, and are an integral part of a workplace's support system. It is important that managers have the tools, resources and training to support workers who are targeted by bullying.

The primary focus of early intervention should be to resolve the issue within the workplace and prevent the unacceptable behaviour from recurring.

Strategies to achieve this objective

- Promote the benefits of early intervention to workplaces and encourage workplaces to build everyone's capacity to engage in early intervention when necessary.
- Develop resources that detail the benefits of early intervention and the range of early interventions available.
- Develop articles for Workplace Issues magazine about the benefits of early intervention and how to build a workplace's capacity to engage in early intervention.

Key Indicators

There are a number of key indicators that WorkSafe Tasmania will monitor to ensure the effectiveness of this Strategy, including:

- the number of referrals to Fair Work Australia, WorkSafe Tasmania and the Office of the Anti-Discrimination Commissioner for unacceptable workplace behaviour
- the percentage of complaints to WorkSafe Tasmania that meet the approved definition of workplace bullying
- the number of workplaces visited by the WorkSafe Tasmania Advisory Service and/or Inspectorate that have management systems in place to deal with unacceptable workplace behaviour
- the number of workplaces attending training courses dealing with workplace bullying issues and managing poor performance
- the number of workplaces entering the new WorkSafe Tasmania award category for innovation in management of bullying in the workplace
- the number of users accessing WorkSafe Tasmania's dedicated page on its website
- the quality and relevance of resources developed
- the number of resources distributed to target audiences.

Key documents that have informed this Strategy

Jeffry HR, Research into bullying in Tasmania, December 2013

Allan Jeffry, Supplementary data analysis into workplace bullying: the Tasmanian Public Sector, Jeffry HR, 16 January 2014

Tessa Bailey and Professor Maureen Dollard, Psychosocial risk and workplace bullying in Tasmania, University of South Australia, Centre for Applied Psychological Research, 21 January 2014

Emeritus Professor Dennis Pearce AO, Workplace Conduct in CSIRO: a report of the Independent Investigator for allegations of workplace bullying and other unreasonable behaviour (Phase I – General Findings), 31 July 2013

House of Representatives Standing Committee on Education and Employment, Workplace bullying: we just want it to stop, October 2012

Safe Work Australia, Code of Practice on Preventing and Responding to Workplace Bullying (Draft) 2011

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ISBN: 978-1-876712-23-5