



### INFORMATION SHEET

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#### What is workplace harassment?

Workplace harassment, also known as '**workplace bullying**', is a form of repeated unreasonable behaviour that threatens, intimidates or humiliates a person or a group of people in the workplace. Workplace harassment can affect any person at any level of employment including employees, managers and supervisors. Such behaviours are a workplace health and safety risk and employers have a responsibility to ensure that employees are not exposed to bullying.

Bullying behaviour can be subtle and not easily observed by other people, or it can be more obvious to others. It can include a wide variety of behaviours ranging from subtle intimidation to more aggressive tactics, including:

- abusing a person loudly, usually when others are present
- repeated threats of dismissal or other severe punishment for no reason
- constant ridicule and being put down
- regular teasing and being made brunt of practical jokes
- displaying written or illustrated material that degrades or offends an employee
- leaving offensive messages on email or the telephone
- sabotaging a person's work, for example, by deliberately withholding or supplying incorrect information, hiding documents or equipment, not passing on messages and getting a person into trouble in other ways
- maliciously excluding and isolating a person from workplace activities
- persistent and unjustified criticisms, often about petty, irrelevant or insignificant matters
- humiliating a person through gestures, sarcasm, criticism and insults, often in front of customers, management or other workers
- spreading gossip or false, malicious rumours about a person with an intent to cause the person harm.

Management action may be considered as workplace harassment where it is used primarily to offend, intimidate, humiliate or threaten workers or to create an environment where workplace harassment is more likely to occur.

#### Less commonly recognised harassment behaviour includes:

- withholding information or supplying incorrect information
- over-monitoring ('micro-management')
- refusing to delegate
- deliberately interfering with post, messages and other communication
- setting people up to fail—impossible deadlines; excessive workload
- blocking leave applications, training or promotion
- not listening to other points of view.

## What is not workplace harassment?

Workplace harassment is not:

- a single incident of harassing type behaviour
- reasonable management action taken in a reasonable way, including actions taken to transfer, demote, discipline or dismiss an employee
- acts of unlawful discrimination, vilification or sexual harassment.

Some confusion can occur between definitions of discrimination, sexual harassment and workplace harassment. Anti-discrimination legislation makes certain types of behaviour unlawful, such as discriminating against someone or sexually harassing anyone.

## Discrimination

Discrimination is unlawful if a person or a group is treated unfavourably because of a particular identified characteristic, such as sex, sexuality, gender identity, lawful sexual activity as a sex worker, relationship status, parental status, family responsibilities, pregnancy, breastfeeding, age, race, impairment, religious belief, non-belief or activity, trade union activity, political belief or activity or association with a person identified by one of the above grounds.

## Sexual harassment:

Sexual harassment is any unwelcome conduct of a sexual nature where a **reasonable person** would have anticipated offence, humiliation, or intimidation. It may include:

- touching or physical contact
- remarks with sexual connotations
- requests for sexual favours
- leering
- displaying offensive material.

Different legislation provides for protections against unlawful discrimination and sexual harassment. Please see our info sheet on these or visit: <http://www.adcq.qld.gov.au/main/information.html>.

More information about the definitions of what is, and what is not, workplace harassment is available within [Section 1](#) of the *Prevention of Workplace Harassment Advisory Standard 2004* (now known as a Code of Practice).

## Assault

Workplace harassment may include assault, but assault itself is a criminal act. Advice in this information sheet does not apply to situations where criminal acts of violence have occurred. You should contact the police if assault occurs at work or in a workplace situation, such as at a work function.

## Effects of workplace bullying on the business and individuals

Workplace bullying has detrimental effects on an organisation and on individuals. Workplace bullying may cause the loss of trained and talented employees, loss of profits, reduced productivity and morale, an unsafe working environment and create legal risks and legal costs for an organisation.

Workplace bullying is very subjective, and therefore the impact on individuals may vary greatly. The most commonly reported effects are:

- stress and anxiety
- feelings of isolation at work
- loss of self-esteem
- physical symptoms of stress such as headaches, backaches, stomach cramps and sleep disorders
- depression
- headaches and migraines, tiredness, exhaustion, constant fatigue
- hypersensitivity, fragility, isolation, withdrawal
- skin problems, rashes and eczema
- frequent viral infections and other illness
- loss of financial security
- loss of, or damage to, personal relationships.

### **Strategies to eliminate workplace harassment**

Employers should act to prevent and control exposure of workplace harassment risks to their employees arising from workplace harassment. Prevention measures can include:

- providing staff with workplace harassment awareness and prevention training
- maintaining a code of conduct or policy for employees and management to follow
- maintaining a complaint handling system and inform all employees on how to make a complaint
- having support systems available including options for resolving grievances and the appeals process
- regularly reviewing workplace harassment policies, complaint handling process and training.

### **Summary of options available to employees to deal with a complaint**

An employee who is being bullied in the workplace has several options. These options can be discussed with a contact officer, union delegate, supervisor/manager or other outside supporter and include:

- taking no action (this may not change anything)
- speaking to the person who is doing the bullying about their behaviour if it feels safe to do so
- asking a third party to talk to the person accused of bullying
- making an informal complaint and asking your supervisor or manager to assist in resolving the matter
- making a formal complaint using your organisation's policies and procedures
- making an external complaint to your union, to Workplace Health and Safety Queensland (see below for details) or other authority
- reporting bullying to your supervisor or manager and asking them to take action to resolve the matter.

### **Making a complaint**

The first step is to check if your workplace has a grievance procedure. This may provide a guide to the steps to follow.

A complaint-handling process should include steps to follow for reporting, investigating, resolving and appealing workplace harassment complaints. If you work for a larger organisation, there may be a human resources department that can assist you in locating the grievance procedure.

In accordance with workplace health and safety legislation, the complaint process should be fair, impartial, and be developed through consultation with workers and management. It should provide procedures for managing both informal and formal complaints.

Some workplace conflicts, including harassment, can be resolved effectively using an informal process through open discussion between the parties. This should be encouraged as the first step in complaints, unless otherwise requested by the person making the complaint or the nature of the bullying behaviour prevents this. Formal complaint processes should include a formal reporting procedure, an investigation procedure, a complaint resolution procedure and an appeals process.

The formal complaint handling system should be based on the principles of natural justice, for example:

- The person alleged to have committed workplace harassment is presumed to be innocent until allegations are accepted as true.
- All allegations of workplace harassment should be investigated promptly.
- The person who has allegedly committed the workplace harassment is informed of all allegations and given an opportunity to explain their version of events.
- Should the complaint be accepted as true, then remedial action must be taken.

More information on complaint handling systems is provided in [Section 8.2](#) of the *Prevention of Workplace Harassment Advisory Standard 2004*.

If the matter cannot be resolved internally, and employees are covered by an award or registered enterprise agreement, they may lodge a notice of industrial dispute with the Fair Work Commission or the Queensland Industrial Relations Commission, but only after exhaustion of internal dispute or complaints processes.

### **Other information for employees**

- Employees are required to comply with workplace policies and procedures on workplace harassment and should report incidents of harassment to their supervisor or employer.
- It is management's responsibility to ensure that employees are not exposed to bullying, to treat complaints seriously and to ensure employees who make complaints are not victimised.
- If you experience bullying it is advisable to make comprehensive notes regarding the incidents of bullying, as the bullying behaviour can be difficult to define and address. Sometimes they are hard to prove to the satisfaction of an employer. Keep a diary recording incidents in detail, this may also contain the contact details of people willing to support your claim, or who have witnessed the harassment and can be used to assist with proving your case. It may also provide valid evidence in a court of law or tribunal.
- Consider joining a union. Union members are provided with support and representation in workplace disputes.
- Seek support. Severe workplace bullying is a traumatic experience and should be taken seriously. Talking to a professional counsellor or trusted friend can help you manage your stress whilst you consider options to take.
- Avoid being alone with the bully. It is important to ensure your safety as much as possible.

- Seek advice. If you are a member of a union, contact them to help you make a complaint and advocate on your behalf. Seeking advice is particularly important if you are considering making a complaint directly to your employer or to an authority such as Workplace Health and Safety (who will investigate if a psychological injury has occurred) or the Fair Work Commission where you may be able to take other action such as a General Protections complaint.

### **Contact WorkCover if appropriate**

Where it can be established that a psychological injury has occurred due to workplace bullying, employees may be entitled to make a claim for Work Cover. For a claim to be successful you need to prove that the bullying at work was a significant contributing factor to the injury. If you are thinking about a Work Cover claim then it is best to get advice.

## **FOR MORE INFORMATION**

**Fair Work Infoline** (For employees with wages, dismissal, employment conditions and discrimination complaints)

Ph: 13 13 94

[www.fairwork.gov.au](http://www.fairwork.gov.au).

**Fair Work Commission** (For advice about dismissal and general protections information and application forms)

Ph: 1300 799 675

[www.fwc.gov.au](http://www.fwc.gov.au).

**Queensland Council of Unions** (for information about joining a union)

Ph: 3846 2468

[www.qcu.asn.au](http://www.qcu.asn.au).

**Anti-Discrimination Commission Queensland**

Ph: 1300 130 670

[www.adcq.qld.gov.au](http://www.adcq.qld.gov.au).

**Australian Human Rights Commission**

Ph: 1300 656 419

[www.ahrc.gov.au](http://www.ahrc.gov.au).

**Workcover Qld**

Ph: 1300 362 128

Fax: (07) 3006 6400

**Workplace Health and Safety Qld (Office of Fair and Safe Work)**

<http://www.deir.qld.gov.au/workplace/aboutus/contactus/whsenquiry.htm>.

FSWQ infoline

Ph: 1300 369 915

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