

Recognising Workplace Bullying CPD

Workshop Learning Guide and Agenda

- Overview of Workplace Bullying
 - Defining Discrimination, Sexual Harassment, Bullying
 - What is not bullying?
 - What is the impact on the workplace
 - Examples of bullying behaviour
- Bystander Intervention and Response
- Best Practice and Primary Prevention
 - How to respond to inappropriate workplace behaviours/ complaints
 - Bullying change management
 - Steps to take if you experience bullying
 - Recovery and self-care
 - Strategies to encourage a safe and inclusive workplace

Resources included in your learning guide

- ✓ WWC Workplace Bullying Fact Sheet (p.3-4)
- ✓ Useful phrases to help a person experience abuse at work (p.6)
- ✓ WWC Diary of Events Template (p.9-10)
- ✓ Active Listening Info Sheet (p.5)
- ✓ List of Support Services and Referral Organisations (p.11)

Workplace Bullying

Workplace bullying is defined as repeated and unreasonable behaviour directed towards a worker or group of workers. Workplace bullying threatens, intimidates, or humiliates a person or a group of people in the workplace and creates a risk to their health and safety.

What are some examples of bullying behaviour?

- Yelling, abusive, insulting, threatening or offensive language,
- Being singled out, excluded, isolated, or treated differently to co-workers
- Displaying material that is degrading or offensive
- Ongoing attempts to undermine you and your work performance
- Setting unrealistic goals and deadlines that are very difficult to achieve or constantly change
- Having reasonable requests for leave or training opportunities denied
- Behaviour or language that belittles, degrades, or humiliates you especially in front of others
- Violence, assault, and stalking are extreme forms of bullying that should be reported immediately to the police as a criminal offence.

What is not bullying behaviour?

- Reasonable and fair performance management or disciplinary action that is transparent and measurable and directed at work performance and not at the individual
- Differences of opinion or conflicts in working relationships, which do not lead to persistent unreasonable behaviour, are not bullying behaviour.

Is workplace bullying against the law?

- Workplace bullying is defined in the *Work Health and Safety Act 2012* and in the *Fair Work Amendment Act (2013)*. Your employer has obligations under workplace health and safety laws to provide a safe work environment. This includes providing policies, procedures, and training to ensure an environment that is free from harassment.
- The Fair Work Commission can make an order to stop the bullying. You will need to make a complaint using the form found on their website.
- Usually, you will be expected to have raised this issue with your workplace so that they have had an opportunity to address the bullying and prevent it from happening again.
- Sometimes bullying includes physical assault. This is a criminal offence and should be reported to the police immediately.
- If the effect of the bullying makes you so sick that you can't work, you may be able to lodge a claim for worker's compensation.
- If bullying results in you being dismissed or leaves you no other alternative but to resign, you may be able to lodge a claim for unfair dismissal or unlawful termination through Fair Work Commission. If you feel forced to resign it is important that you seek advice before doing so.

What can I do if I'm being bullied?

- Keep a diary of events. Write down what bullying behaviours occurred and include dates, times and witnesses. The act of writing down what has happened can have therapeutic benefits also. Keep copies of any emails or letters that demonstrate the bullying behaviours.
- 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 your options.
- Don't blame yourself. You are never to blame for bullying behaviours of another person.
- Avoid being alone with the bully. It is important to ensure your safety as much as possible.
- Check your workplace grievance procedures. These should tell you who you complain to and how you do it. You should, if possible and it is safe to do so, follow these procedures.
- Talk to a trusted colleague. Bullying can be so subtle; co-workers may not even notice what is happening. A co-worker may be able to witness bullying behaviours if you alert them to what is going on.
- Seek advice. Talk to your union, if you are a member, Working Women's Centre, Legal Services Commission or a workplace advisor or advocate. Seeking advice is particularly important if you are thinking about making a complaint to your employer or a government agency.
- Remain confident in your own ability and judgement.
- Look after yourself.

Writing a letter of complaint

Deciding whether to write a letter of complaint directly to your employer can be a difficult decision. The Working Women's Centre recommends that you seek advice prior to writing a complaint so that you can be well prepared.

- keep the letter brief and to the point (maximum 2 pages)
- stick to the facts
- remind your employer they have a duty of care to ensure that your workplace is healthy and safe
- Include a short description of the bullying behaviours.
- Describe the impact the bullying has had on you
- Clearly state what outcome you are seeking within a suggested time frame (an investigation, an apology, that the bully be kept away from you, that you receive a written response)
- Sign and date the letter and include your contact details for a reply
- Keep a copy of your letter for your records.

Where else can I go for help?

Your union: SA Unions	P: (08) 8279 2222
Young Workers Legal Service	P: (08) 8279 2233
SafeWork SA	P: 1300 365 255
Fair Work Commission (FWC)	P: 1300 799 675
Fair Work Ombudsman (FWO)	P: 13 13 94
Equal Opportunity Commission	P: (08) 8207 1977
Australian Human Rights Commission	P: (02) 9284 9600
Lifeline (24 Hour Crisis Support)	P: 13 11 14

Above the Line/Below the Line

- | | | |
|---|-------|-------|
| 1. A Judge asks you how your weekend was. | Above | Below |
| 2. A vendor who works with your venue has asked you several times to have a drink, each time you have said no. You've been told they have asked around if to see if you have a partner. | Above | Below |
| 3. On behalf of your co-workers you receive flowers for your birthday. | Above | Below |
| 4. A group of back of house staff are discussing a recent sexual assault in a nearby venue, they all agree that the woman was equally at fault because she chose to get drunk. | Above | Below |
| 5. A supervisor always raises their voice to the group when they are unhappy with the team performance or when mistakes are made. | Above | Below |
| 6. A team member has been continuously excluded from case meetings. | Above | Below |
| 7. A Barrister says 'you look really good in that skirt'. | | |
| 8. Your colleagues play pranks on one another. | Above | Below |
| 9. You overhear other senior associates saying you only get the good cases because your father is a judge. | Above | Below |
| 10. Your supervisor repeatedly uses incorrect pronouns for a colleague who is non-binary | Above | Below |
| | Above | Below |

Listening Skills

Hear What People Are Really Saying



Start Here

Active listening is a technique that enables you to fully concentrate on what others are saying, and to understand their **complete message**.

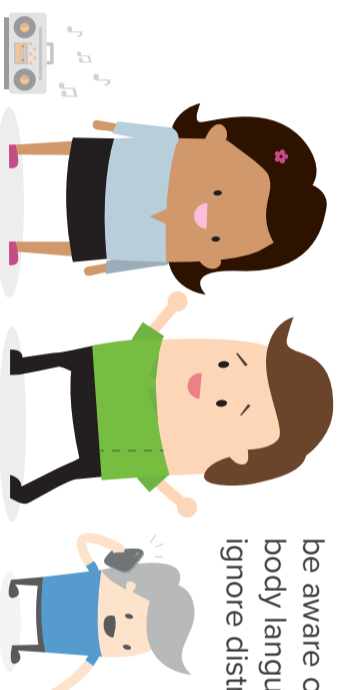
It can make you more effective at work, increase your ability to influence and negotiate, and prevent misunderstandings.

1

Here's how to do it:

Pay Attention

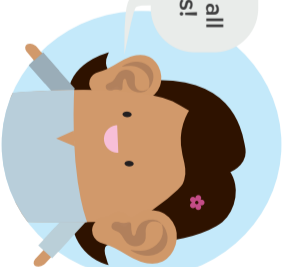
Look at the speaker, be aware of their body language, and ignore distractions.



I'm all ears!

Show That You're Listening

Nod, smile and say "yes" or "uh-huh" from time to time, to encourage the speaker to continue.

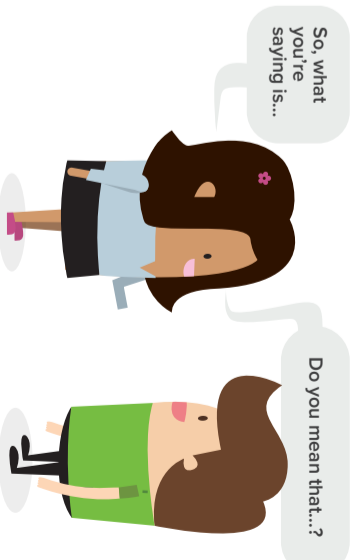


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Provide Feedback

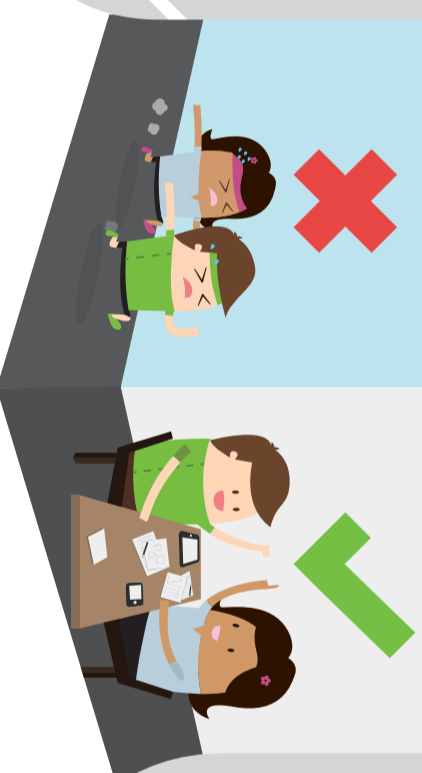
Reflect the speaker's words back to them, and ask questions to check that you understand correctly.



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Defer Judgment

Allow the speaker to **finish their point** before you offer a counter argument. It's a discussion, not a race!



Respond Appropriately

Be **open, honest** and **respectful** of the speaker's opinion – even if you don't agree with it. If you understand one another's positions, you can work toward a shared goal.



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Make sure that you **really hear** what the other person is saying. **Stay focused**, and avoid falling back into old habits.

Becoming an **active listener** can increase your **productivity**, improve your **relationships**, and help you to avoid conflict.



To learn more about Listening Skills, read the article at www.mindtools.com/listen

Helpful ways for a bystander to start a conversation

- *Do you know about options available*
- *I know this must be difficult to talk about*
- *You have my support*
- *How are you going – this is a lot you are having to deal with*
- *No one deserves to be treated this way*
- *It is really common to find it hard to concentrate at work when you are stressed and have been through such a difficult time*
- *I know things are difficult right now, but they can get better*
- *Would you like to talk with someone who could help you*
- *What would be the most helpful thing to focus on right now*
- *Would you like to go through the policy together*
- *Lets take a walk and we can talk if you are feeling up to it*
- *The way that person spoke to you is not okay and I want you to know you have my support if you want to file a complaint*
- *You do not have to report this if you are not comfortable*
- *I saw that persons behaviour towards you and its not on*
- *I have a list of some great services that might be helpful if you're feeling like talking to a professional*
- *Let me know when you have to work with that person next and ill see if I can join the meeting so you're not alone with them*
- *You have the right to be safe at work*



Keeping a diary

When you are experiencing bullying, harassment, or discrimination at work over a period of time, it can be difficult to keep track of exactly what happened and when, especially if your mental health is suffering. It helps to keep timely records of it all, so you don't forget the details of what happened.

Your notes can be useful later if you wish to complain about the behaviour to your manager or HR person. It will also be good evidence to support a legal claim such as worker's compensation, a Stop Bullying Order, or a complaint of sexual harassment in the Equal Opportunity Commission or Australian Human Rights Commission.

If you have experienced bullying or harassment during your workday (or night), take a moment to record what happened when you get home, or as soon as you can. You can send yourself an email or a text or write it down with pen and paper in a diary.

Include as much detail as you can, especially the "who, what, where and when". Include anyone who witnessed the behaviour, or anyone you spoke to about it. A structure is below to help you record all the important information.

Remember to keep a copy of any emails, texts, photos, or other records, that might be relevant to the harassment too.

Example

Diary entry: 6 June 2022, 1:30am

Date of incident: 6 June 2022

Time: approx. 4pm

Place: In the storeroom at work

Who was there? Me, Josh, Maya and Mark the head chef

What happened? I was getting flour out the storeroom to start dinner prep and Chef came in, he said "just need some salt". I don't think he did, this is about the third time in the past couple of weeks he has made an excuse to go into the storeroom when I am in there. He brushed past me to the furthest shelf and put his hand on my waist as he went past and whispered "it's cosy in here isn't it" in a sleazy way in my ear. I walked out and Josh could tell I was upset. He asked what happened, but I didn't want to say anything in case Chef heard. Maya was on shift tonight too, I told her what happened on our break at 9pm.

Diary Entry Template	
Date of Incident:	
Time:	
Place:	
Who was there:	
What happened?	
Time and date of this note:	

Support and Resources for Workplace Bullying and Sexual Harassment

Further information on Bystander Intervention

<p>Working Women's Centre SA Offering free and confidential help around workplace issues for women, including domestic violence, and other industrial concerns impacting women</p>	<p>08 8410 6499 www.wwcsa.org.au</p>
<p>1800 RESPECT Confidential telephone counselling, information, and referral to services for people experiencing family violence or sexual assault and support service for people managing issues in the workplace</p>	<p>1800 737 732 www.1800respect.org.au</p>
<p>Australian Human Rights Commission The Australian Human Rights Commission (AHRC) is an independent third party which investigates complaints about discrimination and human rights breaches.</p>	<p>1300 656 419 humanrights.gov.au/our-work/part-4-bystander-interventions-violence-prevention</p> <p>Policy Template example humanrights.gov.au/our-work/employers/workplace-discrimination-and-harassment-policy-template</p>
<p>MensLine Australia Free phone and on-line counselling for men around relationships, separation, and mental health</p>	<p>1300 789 978 www.mensline.org.au</p>
<p>Motivate Action Through Empowerment MATE is an education and intervention program teaching everyone to be leaders in the prevention of violence and problematic behaviour through a bystander approach.</p>	<p>www.matebystander.edu.au</p>
<p>SafeWork Australia Their primary responsibility is to improve work health and safety and workers' compensation arrangements across Australia.</p>	<p>www.safeworkaustralia.gov.au/doc/preventing-workplace-sexual-harassment-guide</p> <p>www.safeworkaustralia.gov.au/bullying</p>
<p>Heads up (Beyond Blue) Better mental health in the workplace</p>	<p>www.headsup.org.au</p>
<p>Victim Support Service Counselling and support for victims of crime including therapeutic counselling, information, and support around Victim Impact Statements,</p>	<p>1800 842 846 www.victimsa.org</p>