

## Bullying and Harassment – Fact Sheet

### What is bullying?

A worker is bullied at work if:

- an individual or group of individuals repeatedly behaves unreasonably towards the worker or a group of workers; and
- that behaviour creates a risk to health and safety.

Unreasonable behaviour includes victimising, humiliating, threatening or intimidating. Whether behaviour is unreasonable will be determined objectively and depend on the relevant circumstances.

Some examples of bullying may include:

- a) behaving aggressively;
- b) pressuring someone to behave inappropriately;
- c) playing practical jokes on someone;
- d) excluding someone from work events; or
- e) unreasonable work demands.

### What isn't bullying?

Management action carried out in a reasonable way will not be constituted as bullying.

Some examples of what may constitute management action include:

- a) performance appraisals
- b) ongoing meetings to address underperformance
- c) counselling or disciplining a worker for misconduct
- d) investigating alleged misconduct
- e) denying a worker a benefit in relation to their employment
- f) refusing an employee permission to return to work due to a medical condition.

Single instances of bullying type behavior also do not constitute bullying.

### Who is protected from bullying?

The *Fair Work Act 2009* (Cth) provides protection from bullying for all national system employees as well as:

- outworkers
- volunteers
- contractors or subcontractors
- work experience students

### What can I do to help prevent bullying?

You should implement a policy on bullying that is accessible to and understood by all workers. You should also implement a complaint resolution process which encourages employees to bring forward bullying complaints.