

SAFETY BULLETIN

Bullying or victimisation at the workplace

BACKGROUND

There has been a noticeable increase in complaints to the Mine Safety Operations branch of Industry & Investment NSW about bullying and victimisation in the workplace. Such behaviours can pose a risk to mental health and contribute to workplace accidents and physical injuries.

WHAT IS BULLYING AND VICTIMISATION

The WorkCover guide, *Preventing and Responding to Bullying at Work*, defines bullying as:

“...repeated unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety... these behaviours can be direct or indirect”.

Direct forms of bullying include verbal abuse, spreading rumours and interfering with personal property or work equipment. Indirect bullying may involve unjustified criticism, denying access to information, withholding vital information, setting unreasonable tasks, excessive scrutiny or changing work arrangements to cause inconvenience.

An isolated incident of unreasonable behaviour is not bullying. The behaviour must be repeated. However, single incidents should not be ignored.

Legitimate and reasonable management actions also do not constitute bullying. Employers and managers have a right to direct how work is done and to provide performance feedback.

Victimisation of an employee involves dismissing or harming the employee in their employment because they have raised OHS issues or are exercising legislated OHS consultation functions. Victimisation and bullying may occur together.

BULLYING, VICTIMISATION AND OHS LEGISLATION

There is no bullying-specific legislation in NSW. However, the duty on an employer under the *Occupational Health and Safety Act 2000* (OHS Act) to ensure the health, safety and welfare of employees includes the psychological as well as physical needs of the employee (section 3(c) of the OHS Act).

Employers therefore have a legal duty to assess and manage any risks to the health, safety and welfare of their employees that may arise from workplace bullying.

Section 23 of the OHS Act also provides that an employer must not dismiss an employee, detrimentally alter or injure an employee's position or victimise an employee because the employee has raised an OHS issue, is a member of an OHS committee or an OHS representative, or has exercised functions related to OHS consultation.

Bullying and victimisation may provide a basis for civil legal action or proceedings under anti-discrimination legislation. Workplace bullying that involves criminal behaviour should be referred to the police.

RECOMMENDATIONS

All mine operators should ensure that a risk assessment is carried out in relation to bullying and victimisation in the workplace.

The usual hierarchy of controls may not easily translate to the management of bullying and victimisation. The controls put in place should have components for:

- **Prevention of bullying and victimisation.**
This includes identifying organisational culture and structures that may allow bullying, harassment and victimisation to occur, communicating expectations about workplace behaviour and providing information, instruction and training.
- **Minimising the impact of bullying and victimisation.**
This includes consulting with workers to develop and implement systems that increase awareness, encourage reporting and require active investigation of bullying and victimisation complaints.
- **Resolving reports of bullying and victimisation and improving systems to prevent and manage that behaviour.**
This includes providing grievance resolution mechanisms, occupational rehabilitation (such as counselling or return-to-work plans etc), training employees and review of relevant policies and procedures.

The WorkCover guide, *Preventing and Responding to Bullying at Work* has further information, including a Bullying Risk Indicator and Employer Checklist. The guide is available on the WorkCover website:

www.workcover.nsw.gov.au

NOTE: Please ensure all relevant people in your organisation receive a copy of this Safety Bulletin, and are informed of its content and recommendations. This Safety Bulletin should be processed in a systematic manner through the mine's information and communication process. It should also be placed on the mine's notice board.

Signed

A handwritten signature in black ink, appearing to read 'Rob Regan', written in a cursive style.

**Rob Regan
DIRECTOR
MINE SAFETY OPERATIONS BRANCH
INDUSTRY & INVESTMENT NSW**

View more safety alerts at www.dpi.nsw.gov.au/minerals/safety/safety-alerts. If you would like to receive safety alerts by email, enter your contact details at www.dpi.nsw.gov.au/minerals/safety/signup