

## **Reminder – what behaviour might be considered bullying and harassment**

In the last bullying and harassment update we undertook to provide further education on a range of topics to consolidate the knowledge you have received from completing face to face and online training.

To ensure that we promote and maintain a safe and bully free workplace, it is important that you understand the behaviours that constitute bullying so that you do not inadvertently engage in such conduct.

To this end, the list below is a timely reminder of conduct that might be considered bullying if repeated and directed towards an employee or a group of employees that creates a risk to their health and safety.

- Abusing or yelling at a person or behaving aggressively
- Humiliating or undermining a person through gestures, sarcasm, criticism and insults
- Making hurtful remarks or verbal attacks, making fun of a person's work, or the person themselves
- Teasing or practical jokes
- Excluding or isolating a person from activities or an online group
- Spreading gossip, false or malicious rumours about a person
- Posting photos or videos using social media to embarrass or hurt a person

For a reminder on what you can do if you experience workplace bullying click [here](#). All reports of bullying and harassment are treated seriously and dealt with a timely manner.

The employee assistance program is available on 24/7 to provide confidential help with any challenges you may be experiencing. Please contact 1300 361 008 to speak to a counsellor.

In the next article we will provide you with practical examples of what bullying does not include.

### **Previous Articles**

[Message from the Director - Bullying and Harassment Update](#)

[Myths and facts about workplace bullying](#)

[Myths and facts about workplace bullying continued...](#)

[Workplace Bullying Scenarios](#)

[What can you do if you experience or witness workplace bullying?](#)

[Message from the Director - Reporting Bullying and Harassment](#)

[Bullying and Harassment Scenarios - Case Study 1](#)

Last Modified On: 7/06/2016 2:05 PM

## **Bullying and Harassment Update**

It has been a few months since we last published material about bullying and harassment. To ensure this topic continues to be given the attention it deserves HR will be publishing a monthly intranet article about various topics educating staff about bullying and harassment.

Why does the agency take bullying and harassment so seriously?

We have a legal and moral obligation to provide a safe and bully free workplace.

To do this we must take reasonable actions to prevent bullying and respond to any complaint immediately, this includes acting on bullying issues, implementing policies and procedures, training staff and keeping abreast of changes to the legislation.

To demonstrate our commitment to preventing bullying and harassment we conducted a review of bullying and harassment in 2015 and followed up from that review by providing face to face and online training, reviewed and updated our policies and raised awareness through the publishing of intranet articles including real life scenarios and case studies.

Over the coming months we will reinforce the previous training and provide further information on topics including:

- What behaviour might be considered bullying and harassment
- What bullying does not include
- Reasonable management action
- Performance management
- Responsibilities of managers and supervisors
- Responsibilities of bystanders
- What you can do if you are bullied

If there are any other topics you would like us to cover please send your suggestions to [hr@fwbc.gov.au](mailto:hr@fwbc.gov.au) or contact Manager – HR, [REDACTED] for a confidential discussion.

The following are previous articles on this topic:

[Message from the Director - Bullying and Harassment Update](#)

[Myths and facts about workplace bullying](#)

[Myths and facts about workplace bullying continued...](#)

[Workplace Bullying Scenarios](#)

[What can you do if you experience or witness workplace bullying?](#)

[Message from the Director - Reporting Bullying and Harassment](#)

[Bullying and Harassment Scenarios - Case Study](#)

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## **Bullying and Harassment Scenarios - Case Study 1**

The following case study is the first in the series of bullying and harassment scenarios:

### **Case Study 1:**

Fiona was a Senior Investigator and had held that role for a number of years. Well qualified for the position, she had been acting in the higher duties position of her Team Leader on a number of occasions and she considered herself an excellent candidate for the position when the team leader resigned. Natalie was one of her staff members, considerably younger and new to the agency. The team leader's position was advertised and both Fiona and Natalie applied for the position. There was a merit based selection process and Natalie was appointed to the position. Fiona was quite upset about this and told Natalie that she thought she was better than her and should have been given the position.

Over time, this was demonstrated by Fiona not offering Natalie any assistance. At meetings and in other discussions when an issue about work would come up, Fiona would be uncooperative and make comments like 'well somebody thinks you know more than I do, so you tell us what the answer is'.

Fiona did not participate in meetings and was openly critical of Natalie, particularly in smaller groups. Natalie spoke to Fiona about this after some time and said that she was feeling uncomfortable in the workplace by the way she was being treated by Fiona. Fiona replied 'Not my problem. You were the one who was promoted to team leader, so manage it'. Natalie kept records of instances where she considered she was being bullied, ignored or harassed. She tried again on a second occasion to speak to Fiona about this, but Fiona remained uncooperative.

Ultimately, Natalie spoke to her manager and complained about how she was being treated by Fiona in the workplace. The senior manager spoke to Fiona, who again reiterated that Natalie was the better person for the job and the appointment was based on merit.

The Senior Manager pointed out that Natalie was performing extremely well in the role and that Fiona needed to comply with the Code of Conduct including treating everyone with respect and courtesy and without harassment. She was warned failure to this may result in disciplinary action. Fiona took a short period of leave reflecting on her behaviour, and upon her return, began cooperating with Natalie.

### **Key Message:**

Workplace bullying is repeated, unreasonable behaviour directed towards a worker or group of workers, that creates a risk to health and safety. The above article is a good reminder to treat everyone with respect and courtesy in the workplace as this is essential to a healthy and productive working environment.

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## **Message from the Director - Reporting Bullying and Harassment**

Earlier this year I posted an intranet article about disbanding the Harassment Contact Officer Network because the Executive Board and I considered that it was not adding any value.

It was our view that bullying and harassment is the responsibility of all staff. Everyone, no matter what job classification, should be contactable by someone who may be a victim of workplace bullying or harassment, and it is incumbent on that person to deal with the situation before them with the assistance of HR and/or management.

I have a duty to ensure the health and safety of workers is not put at risk and that we have policies and procedures in place to assist all workers to create and maintain a healthy and safe work environment.

To this end, I have instructed HR to update the Bullying and Harassment Policy to make it compulsory for all incidents of bullying and harassment to be reported to the HR Manager, [REDACTED] or the Chief Operating Officer, Bernie O'Keeffe regardless of who they are reported to in the first instance.

This crucial step will allow HR to monitor any potential hotspots and ensure appropriate action is being taken.

I welcome your cooperation with this new process.

Nigel

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## **What can you do if you experience or witness workplace bullying?**

To be able to take the most appropriate action it is important to first find out whether the behaviour you are experiencing or witnessing is workplace bullying. It can be difficult in times of stress to be objective about what is happening to you. Therefore, in considering the questions below, it may be helpful to seek the perspective of another person who is not involved to help you determine whether the behaviour meets the definition of workplace bullying. You may like to discuss the situation with HR, a Health and Safety Representative or a colleague you respect.

### **Is the behaviour being repeated?**

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time. Occasional differences of opinion, problems and conflict in workplace relationships can happen in the workplace, but may not constitute bullying.

### **Is the behaviour reasonable?**

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable including behaviour that is victimising, humiliating, intimidating or threatening.

### **Is the behaviour creating a risk to your health and safety?**

Workplace bullying can be harmful to the person experiencing it and to those who witness it, although the effects will vary depending on individual circumstances as well as the situation.

### **Next Steps**

If you feel safe doing so, calmly tell the other person you object to their behaviour and ask that it stop.

If speaking to the person does not resolve the issue and you still believe you are experiencing or witnessing workplace bullying, report it to your manager or HR as early as possible. The agency cannot address the problem if we do not know about it. If your supervisor is the person whose behaviour is concerning you, speak to the next person of seniority.

At any time employees can contact the EAP on 1300 361 008 for completely confidential and free counselling to discuss their concerns.

If you have any questions or anything you would like to discuss please do not hesitate to contact **HR Manager**, [REDACTED] on [REDACTED] or [REDACTED]

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## **Workplace Bullying Scenarios**

To continue raising awareness around workplace bullying, the following scenarios have been prepared to demonstrate what can constitute bullying behaviour (and what doesn't).

### **Scenario 1**

Ms Jones asked her team member (Miss Stevens) to book in some time to have a discussion regarding her workload and performance. Ms Jones had previously discussed her concerns regarding Ms Stevens' performance during her formal review two months prior and during regular catch up meetings. During the meeting, Ms Jones discussed her intention to place Miss Stevens on an underperformance plan and adjust her duties based on her view that Miss Stevens' performance was not improving. Ms Jones invited Miss Stevens to voice any concerns regarding this change, offered her time to think about ways she felt she could adjust her duties to assist in reaching her required output for her work level and to contribute to the development of the plan.

Ms Jones also notified Miss Stevens that if she was unable to improve her performance according to the plan, she may face reassignment of duties, reduction in classification, termination of employment or other appropriate action. Miss Stevens then approached the Human Resources team saying she felt like Ms Jones was treating her unfairly and was trying to assign her pointless tasks that have nothing to do with her job.

#### ***Could Ms Jones' behaviour be considered bullying?***

No. Some practices in the workplace may not seem fair but are not bullying. It is important to distinguish between a manager reasonably exercising their legitimate authority at work in a proper and reasonable way, and instances of bullying. Managers and supervisors have a broad range of responsibilities including directing and controlling how work is performed. They are responsible for monitoring workflow and providing feedback to employees on their work performance. Feedback provided properly with the intention of assisting staff to improve their performance or behaviour does not constitute bullying.

Managers should maintain open and regular communication with their teams to ensure that any performance problems are identified early and dealt with in an objective and constructive way.

### **Scenario 2**

Mr Brown was participating in a team meeting with his manager and three other colleagues. The manager was asking for feedback regarding potential changes to a policy and opened it up to the group to discuss. Mr Brown had reviewed the policy and prepared some feedback regarding the content. After verbalising this to the group, another member of his team (Ms Smith) took his feedback as criticism and became defensive, saying "no one cares what you think". The group did not respond directly to Ms Smith or Mr Brown, instead suggested they move on and invited someone else to speak. Mr Brown felt humiliated and upset; this was not the first time that Ms Smith had spoken to him in this way in front of other team members.

#### ***Could Ms Smith's behaviour be considered bullying?***

Yes. Bullying is considered to be a pattern of unreasonable behaviour or incidents; because Ms Smith had on multiple occasions belittled Mr Brown's opinions and made him feel undermined and intimidated at work, her behaviour should be addressed. Mr Brown should speak to his manager, a more senior manager or HR with his concerns and seek advice.

Another important note regarding this situation is that Mr Brown's colleagues had been witness to these behaviours multiple times. We all have responsibility to help create a positive, safe workplace. If you witness a colleague experiencing harassment or bullying you can speak up, offer

them support and assist them to access resources to help solve it.

If you are not sure if an action or statement could be considered bullying, you can use the 'reasonable person' test: would most people consider the action unacceptable?

If you have any questions or anything you would like to discuss please do not hesitate to contact HR Manager, [REDACTED] on [REDACTED] or [REDACTED]

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## Myths and facts about workplace bullying continued...

- **If someone's bullying behaviour unintentionally hurts another person, then it is not bullying**

Even though the person's behaviour may seem innocent to them, it is important to consider its effect on others. The test is whether a reasonable person would consider it to be bullying.

- **Managers don't need to address behaviour that doesn't meet the definition of bullying**

Not so. A one-off event might not meet the definition of bullying but may still affect the individual involved and be a pre-cursor to bullying. Any form of inappropriate behaviour that lowers morale and productivity must be addressed.

- **A tough performance management conversation does not amount to bullying.**

Providing constructive feedback to a staff member is a reasonable management action. Providing feedback in a way that demeans or humiliates them could involve bullying.

- **Employers have primary responsibility for ensuring a workplace that is free of bullying**

It is a shared responsibility. Employees must cooperate with actions their employer takes to comply with health and safety laws. They also have a duty to take reasonable care of their own health and safety and that of others in the workplace. Managers must take appropriate action to ensure acceptable standards of behaviour are understood and observed. Everyone must speak up if they witness bullying and report all inappropriate behaviour.

- **Managers can only act on a written or formal complaint**

Managers have a duty of care to act on all inappropriate behaviours that they either see or hear about that can potentially cause harm to another employee. This includes bullying.

If you have any questions or anything you would like to discuss please do not hesitate to contact HR Manager, [REDACTED] on [REDACTED] or [REDACTED]



## Myths and facts about workplace bullying

Following the recent conclusion of the bullying and harassment training everyone should have a much better understanding of this very important subject. Over the next couple of months HR will be releasing a series of intranet articles that aim to further consolidate your knowledge in this area.

We thought we would start with some myths and facts about bullying and harassment over two articles:

- **Everyone describes bullying in the same way**

People describe different types of behaviour as bullying but only some of these may meet the definition of bullying\*. A reasonable management action or a one-off event are not examples of bullying. However any inappropriate behaviour, regardless of its label, should be addressed. According to our staff survey the most prevalent type of harassment and bullying our staff reported being subjected to was verbal abuse such as offensive language, derogatory remarks, shouting and screaming (42.1%).

- **Bullying only affects the individuals directly involved: the perpetrator and the target**

No. The effects can be widespread. Witnessing bullying has similar effects to being bullied. Witnesses are less likely to be satisfied with their job or proud of their organisation. They are more likely to think about leaving their organisation. 37.9% of staff that witnessed harassment and bullying in our agency reported that a co-worker was the perpetrator.

- **Bullying is usually just a personality clash and the individuals involved will sort their differences out**

No. Bullying may cause physical and psychological harm to the individuals concerned. Bullying places the people involved at risk and also affects anyone who witnesses the behaviour.

- **People are only bullied by someone senior to themselves**

Not so. People can be bullied by their manager, peers, staff, clients or any other person they come into contact with at work. According to our staff survey in the case of being subjected to harassment or bullying it was fairly evenly spread - Someone more senior e.g. managers manager (21.1%), immediate supervisor (26.3%), co-worker (21.1%), someone more junior (15.8%), other (15.8%).

- **Bullies are born, not made**

Anyone is capable of bullying but most people don't become bullies. It is often environmental factors that cause people to bully others. For example, if a person's poor behaviour goes unchecked, they may believe their behaviour is acceptable. 68.4% of staff that were subjected to bullying and harassment did not report it; 72.4% of staff that witnessed bullying and harassment did not report it. The agency cannot take action if we do not know about it.

*\* Workplace bullying is defined as arising where an individual or group of individuals repeatedly behaves unreasonably towards a worker or a group of workers at work and the behaviour creates a risk to health and safety.*

If you have any questions or anything you would like to discuss please do not hesitate to contact HR Manager, [REDACTED] on [REDACTED] or [REDACTED]

### **Message from the Director - Bullying and Harassment Update**

All of the bullying and harassment training sessions have now been delivered with the SES and myself taking part in the final session this week.

From all accounts, the training has been worthwhile. Personally, I found it insightful and relevant.

As you will recall, I made an absolute pledge to address bullying and harassment within the agency following the outcomes of the 2014 staff engagement survey. My intention does not stop with merely providing staff training. To continue raising awareness, HR will be developing a suite of articles that will assist you to consolidate your knowledge of this important subject.

A couple of issues occurred to me while undertaking the training. The first is that we need to be very careful about creating a workplace environment of excessive sensitivities. The workplace comprises persons of different ages, workplace experience and personalities. Occasional differences of opinion, problems and conflicts in working relationships can happen in the workplace but do not necessarily constitute bullying.

The second is that our managers have a legal right to carry out reasonable management actions such as performance management and directing the way work is done and they should not be afraid to do this for fear of repercussions.

A third issue is that just because we may confront an unseemly culture on building sites, it is no excuse that swearing and other macho behaviour is justified in the office or when interacting with colleagues.

As always I am willing to discuss any issues openly with staff and anyone that wishes to approach me directly or via email are encouraged to do so.

Nigel

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## Message from the Director: Bullying and Harrassment Training

Following the outcomes of the employee engagement survey conducted earlier this year, I gave a commitment to better understand the results that indicated high levels of bullying and harassment.

As you are aware, we conducted a full review of bullying and harassment within the Agency and pleasingly, the findings indicated that bullying and harassment is not an endemic issue within the Agency.

Nevertheless, there are no excuses for even one reported incident of this type of behaviour and I am committed to ensuring each and every incident of bullying and harassment is responded to appropriately, promptly and in accordance with policy.

The review led to a number of recommendations that could assist us to inspire a positive workplace culture. The first recommendation focussed on education and training. To assist in addressing this identified gap, we are developing and delivering training on Bullying and Harassment.

The training will be delivered to all staff across the Agency, with separate sessions for staff, team leaders/managers and senior management. Each session will be a full day and all staff are required to attend.

18/11/14 - **Adelaide** - 1 day staff session (**includes NT staff**)

24/11/14 and 26/11/14 – **Sydney** 2 staff sessions (**includes Canberra staff**)

1/12/14 - **Perth** - 1 day staff session

3/12 - **Sydney** - 1 day team leaders/managers session (**includes Brisbane and Canberra team leaders/managers**)

5/12 – **Brisbane** – 1 day staff session

10/12, 11/12 & 17/12 - **Melbourne** - 2 staff sessions (**includes Tasmania staff**), 1 day team leaders/managers session (**includes Adelaide and Perth team leaders/managers**)

TBC – **Senior Executive** – to be held in **Melbourne** following December Executive Board meeting

Invitations will be sent to staff in the coming days.

If you have any questions or enquires please contact [REDACTED] on [REDACTED] or email the L&D Inbox.

Nigel

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## Message from the Director

Colleagues

You may recall six weeks into my tenure with FWBC I decided that an employee engagement survey was necessary to capture a clear snap shot of the culture and working environment prevailing at that time. To my disappointment there was high level of bullying and harassment reported in the survey and I gave my commitment that I would get to the bottom of the issue.

To this end, I engaged [REDACTED] to perform a full review of bullying and harassment within the agency including the opportunity for you to meet with him personally and share your experiences. I am pleased many of you took this opportunity; it means you genuinely care about improving the culture of this agency which I find very encouraging.

### Purpose of the Review

The purpose of the review was 1. To establish if the agency had a systemic issue with bullying and harassment, 2. To assess the level of knowledge held by staff in relation to the concept of bullying and harassment, the relevant policies and procedures and importantly staff understanding of their responsibilities regarding same and 3. Examine internal governance procedures including organisational policies, reporting procedures and other relevant material.

### Findings of the Review

Pleasingly, [REDACTED] has informed me that bullying and harassment is not an endemic issue within the agency. Nevertheless, there are no excuses for even one reported incident of this type of behaviour and I am committed to ensuring each and every incident of bullying and harassment is responded to appropriately, promptly and in accordance with policy.

[REDACTED] found that in the largest number of cases the most reported bullying and harassment behaviours included public belittling and demeaning or derogatory comments and associated behaviours by either managers to staff, staff to managers, or staff to staff. This is consistent with the results of the engagement survey and the lesson here is that we all need to be more vigilant about the significant impact that our words can have on others.

### Recommendations of the Review

There are a number of things that we could be doing better to inspire a positive workplace culture and [REDACTED] has made a number of recommendations that will help us achieve this. Broadly speaking, the recommendations fall within four categories, 1. Education and training 2. Awareness raising 3. Improved communication and 4. Internal processes.

### Next steps

I have accepted all of [REDACTED] recommendations and have requested HR develop a plan to implement them. Once the plan is established each of the strategies will be reported on at the monthly Executive Board Meeting. We will also keep you informed of progress through the intranet.

Finally, if you believe that you are being treated inappropriately I strongly encourage you to report the behaviour so that it can be investigated. One of the concerning aspects of the survey and review was that our records did not indicate any potential issues. If we know about these matters when they occur we are in a much better position to tackle them head on rather than after a considerable amount of time has lapsed.

Best wishes

Nigel

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## Bullying and Harassment Review Update

The bullying and harassment review is well underway. As you would be aware [REDACTED] [REDACTED] was engaged because as an agency we need to have a much better understanding and response to issues of bullying and harassment. [REDACTED] has been busy working his way around the country to meet with staff to discuss these issues.

[REDACTED] has already conducted sessions in Adelaide, Perth and Sydney. He is scheduled to meet with Canberra staff on Friday (4 July), Melbourne staff on Monday next week (7 July) and Brisbane staff in the week commencing 14 July.

[REDACTED] has provided HR with updates on the sessions so far and has been very pleased with the level of participation and contributions from staff. If you missed the session in your office or have something you would like to discuss with [REDACTED], he is welcoming staff to contact him directly via email.

A reminder that all staff are required to attend the group sessions and are strongly encouraged to book one-on-one meetings with [REDACTED] if they wish to speak to him privately. We are aiming to gather as much feedback as possible that will contribute to building a workplace free from bullying and harassment. We want FWBC to be a great place to work and cannot stress enough the importance of attending and discussing this important organisational and workplace issue.

### ***Where to from here?***

Once the sessions have concluded, [REDACTED] will collate the feedback gained from staff and the results of his desktop review of the agency's policies and procedures. A report that includes recommendations for the Director is expected to be submitted in early August.

If you have any questions about the review you can contact [REDACTED] via email, [REDACTED] or [REDACTED].

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## Message from the Director - Bullying and Harassment Review

Recently I released a message informing you that I had engaged [REDACTED] to conduct a review of bullying and harassment within our agency.

[REDACTED] has been engaged because as an agency we need to have a much better understanding and response to issues of bullying and harassment, particularly in light of the results of the 2013 Employee Engagement Survey.

[REDACTED] has a wealth of experience conducting workplace investigations and I look forward to receiving his report which I have previously indicated will be promptly acted upon.

I understand from speaking with him, that it is his intention to speak to staff within planned group sessions at each office location.

I would like to make it clear, all staff are required to attend these group sessions. I cannot stress enough the importance of attending and discussing this important organisational and workforce issue.

Following the group sessions, [REDACTED] intends to speak to staff who wish to speak with him privately about their experiences or knowledge of bullying and harassment at an off-site location. This part of the consultation is not compulsory. I assure you that the information you provide to him will remain confidential and no names will be recorded or disclosed.

[REDACTED] has also indicated a desire to speak to Managers and Harassment Contact Officers separately and not as part of the group sessions. I understand that in the near future he will write to each of you explaining the purpose of his role and advising of planning arrangements.

I encourage all of you to be candid and open with him and to take the opportunity of talking about your own experience, your observations and also ways we can improve our agency's response to bullying and harassment.

I look forward to progressing this crucial issue.

Nigel

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