

STOP BULLYING

STAND UP. SPEAK OUT.

What is workplace bullying?

We all have the right to be treated with dignity and respect at work. Likewise, we all have a responsibility to behave appropriately in the workplace and treat others fairly, equitably and with proper courtesy and consideration. Disagreements are a normal part of life and while simply being upset over workplace conflict does not constitute bullying, it is when such behaviours are repeated and unreasonable that it meets the definition of workplace bullying. According to the *Fair Work Act 2009*, workplace bullying occurs when:

- 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.

Bullying Behaviour

Bullying behaviour may involve, for example, any of the following types of behaviour:

- Shouting, aggressive or intimidating conduct
- Belittling or humiliating comments
- Spreading malicious rumours or gossip
- Deliberately withholding information needed to perform effectively
- Isolating a person from others in the workplace
- Exclusion from work-related events
- Setting tasks that are unreasonably below or beyond a person's skill level
- Constant intrusive surveillance or monitoring
- Displaying offensive material
- Changing work arrangements to deliberately inconvenience a particular worker or workers

However, in order for it to be by definition bullying behaviour, it must be repeated and unreasonable, and it must create a risk to health and safety. It is important to note that reasonable management action carried out in a reasonable manner does not constitute bullying. Therefore, things such as performance management, disciplinary action, management of unsatisfactory work performance and asking a worker to perform reasonable duties in keeping with their job, do not constitute bullying. Additionally, relevant case law holds that a one-off occurrence does not meet the typically high threshold of the Commission's anti-bullying benchmark.

Appropriate Workplace Behaviour

Within the NT Public Sector, the parameters of appropriate workplace conduct and bullying are defined in *Employment Instruction No.13*. Essentially, *EI 13* requires that all public officers in the NTPS must treat their colleagues in a respectful, fair, equitable and courteous manner, consistent with the *Performance*



and Conduct Principle and the *NTPS Code of Conduct*. These concepts are enforceable, meaning a breach of these conduct requirements can result in disciplinary procedures.

What steps can I take to stop bullying?

Bullying is by definition a workplace hazard and must be treated as such. Importantly, *EI 13* stipulates that managers have a responsibility to ensure that employees are treated appropriately and not subject to work-

place bullying. Workplace behaviour that constitutes bullying is classified as a hazard due to its ongoing serious physical and mental health implications. In instances of potential bullying or harassment, it is important to follow these steps:

Step 1: Record what happened

The importance of keeping a written record of each occurrence of bullying behaviour cannot be overstated. These records form a vital component of any formalised process/action that you may decide to take later on. They are crucial in establishing a pattern of behaviour. Every record should include:

- Where and when it occurred
- Who was present at the time
- What happened
- How it made you feel



Step 2: Notify your sub-branch rep or Health and Safety Rep (HSR)

Bullying presents a threat to the mental, emotional and physical wellbeing of a worker and is dealt with under the same health and safety laws that cover physical dangers. As a result, your HSR should be able to assist you. Their role is to communicate between workers and management about safety issues. A sub-branch rep or HSR may be able to provide support and if necessary, refer you to the union office.



Step 3: Contact the AEU Office

It is important to obtain independent and impartial advice in regards to bullying. For the AEU NT, bullying is a common reason for members requiring assistance. Our team of industrial officers have the experience and ability to provide the correct advice as to what to do. Contact the union office to discuss the situation.

Step 4: Make a formal complaint

There are several ways to formalise a complaint about bullying in your workplace. Your AEU NT industrial officer will be able to advise you of the best course of action. Any complaint should be directed to your line manager or principal in the first instance. Where this is not possible (as the person bullying you is your manager or supervisor), you should direct your complaint to their line manager. It is important to also note that if you have not attempted to resolve the issue at the local level first, that your complaint will likely be redirected. If you are not satisfied with the outcome of your complaint, you may lodge a grievance with the Office of the Commissioner for Public Employment. At any time, an application can be lodged through the Fair Work Commission for making a stop-order, however, the FWC may not hear your matter unless you have first attempted to resolve it using the steps listed above. In all instances, it is imperative that you seek advice first from the AEU NT team.

Further resources

- https://www.australianunions.org.au/bullying_factsheet
- [NT WorkSafe Guide to Dealing with Workplace Bullying](#)
- [Fair Work Commission: Anti-bullying](#)