

Bullying in the workplace

employment law



YOUR RIGHTS

All employees have the right to go to work every day without experiencing bullying in the workplace. Employers must take appropriate steps to prevent bullying in the workplace.

WHAT IS WORKPLACE BULLYING

Workplace bullying occurs when a person or a group of people repeatedly behaves unreasonably towards a worker or a group of workers, and the behaviour creates a risk to their health and safety.

Bullying can include:

- constant unwarranted criticism
- spreading harmful and/or inaccurate rumours
- excluding individuals from workplace activities
- repeated hurtful, belittling or humiliating remarks, or making fun of your work or you as a person
- victimisation
- practical jokes or initiation rituals
- vexatious allegations against another person
- intimidating or aggressive conduct
- unreasonable work expectations, such as assigning you pointless tasks that are unrelated to your job, or tasks that cannot be completed in the allocated time or with the resources provided
- deliberately changing your work hours or schedule to conflict with your availability.

To constitute bullying, there needs to be a risk to an employee's health and safety as a result of the bullying behaviour they are experiencing.

WHAT IS NOT WORKPLACE BULLYING?

Not all negative experiences at work constitute bullying. Reasonable management action, such as providing constructive feedback, managing poor performance or disciplinary action, is a necessary part of ensuring an organisation's standards of work and behaviour are met and is not bullying if the action is carried out in a fair and reasonable manner.

As workplace bullying involves repeated behaviour, a single incident of unreasonable behaviour will also not be considered workplace bullying. Single incidents of unreasonable behaviour should, however, not be ignored as they may be repeated or escalate.

Additionally, acts of unlawful discrimination or sexual harassment can involve isolated incidents. While that may not be bullying, an employee may have different avenues available to pursue complaints relating to these kinds of behaviours.



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WHAT TO DO IF YOU EXPERIENCE WORKPLACE BULLYING

There are several steps you can take if you are experiencing bullying at work:

- If you feel safe and comfortable, directly address the individual responsible for the behaviour to explain that their behaviour is unwelcome and making you uncomfortable. For instance you can say '... when you do this [specific behaviour], it makes me feel uneasy. Please stop.' Often, individuals may not realise their behaviour is inappropriate.
- Familiarise yourself with your workplace's policies or procedures in relation to bullying and how to raise a complaint. If your workplace has a complaints or grievances procedure, you should follow the steps set out in this procedure to raise the issue.
- Approach your manager or supervisor to report the bullying behaviours. If your manager or supervisor is responsible for the bullying, escalate the matter to their superior or the Human Resources department.
- Seek support from other colleagues who may be able to provide assistance.
- Maintain written documentation of the bullying incidents, including dates, times, details of the behaviour, and any relevant communications such as emails or text messages.
- If your workplace has not dealt with your complaint of bullying or you are unsatisfied with the outcome, you may consider lodging a formal complaint with external bodies for further intervention and resolution.

Stop bullying orders—Fair Work Commission

If the bullying cannot be resolved within the workplace, you may be able to make an application to the Fair Work Commission for a 'stop bullying order'.

To be eligible to apply to the Fair Work Commission, you must work for a private corporation or the Australian Federal Police. Stop bullying applications are not limited to employees. You may also be eligible to make an application if you are engaged as a contractor, apprentice, trainee, labour hire worker, work experience student or a volunteer. You cannot make an application for a stop bullying order if your application relates to your work as a member of the Australian Defence Force.

You can make an application to the Fair Work Commission by completing the '[Application for an order to stop bullying at work](#)' form on the commission's website. After you have submitted your application, the Fair Work Commission will provide it to your employer and any individuals you have named in the application as responsible for the bullying and ask them to provide a response to your application. The Fair Work Commission may take up to 14 days to start dealing with your application.

The Fair Work Commission may arrange a conciliation to assist you and your employer to resolve the issues or schedule a formal conference or hearing, after which a decision or order may be made. The Fair Work Commission can make any order it considers appropriate, aside from financial orders, to prevent the bullying from continuing.



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Stop bullying orders—Queensland Industrial Relations Commission

If you work in the Queensland public sector, you can apply to the Queensland Industrial Relations Commission (QIRC) for an order to stop bullying.

An application to the QIRC can be made by completing the [‘Application for an order to stop bullying’ form](#) on the QIRC’s website.

The QIRC follows a similar process to the Fair Work Commission. The QIRC may take up to 14 days to start dealing with your application, with the first step being to provide your application to your employer and any named individuals to allow them to respond.

The QIRC may arrange a conciliation to resolve the issues or schedule a conference or hearing, after which a formal decision or order will be made. The QIRC can make any order it considers appropriate, aside from financial orders, to prevent the bullying from continuing.

Workers compensation claims

Workplace bullying has the potential to impact your health and safety. If you have been diagnosed by a doctor as suffering from a medical condition because of workplace bullying, you may be able to make an application to WorkCover Queensland for workers compensation. You will need to provide details of all of the instances of bullying that have occurred and medical information regarding your condition.

WHAT OTHER SUPPORT IS AVAILABLE

It is generally advised to seek legal advice before lodging a complaint to an external body. Contact Caxton Community Legal Centre or a private lawyer to discuss your options.

Legal advice should be sought especially where there are behaviours involved that may amount to criminal conduct or personal injury matters.

Some employers have an employee assistance program that provides a free and confidential counselling service should you require additional support.



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Fair Work Commission

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CAXTON COMMUNITY LEGAL CENTRE

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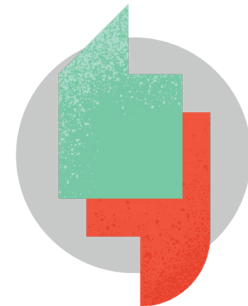
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This information is current at April 2024.



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