



## Respect and Dignity at Work **IT'S YOUR RIGHT**

your health and safety  
your rights at work





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## ***Respect and dignity in the Workplace***

### **What is Respect in the Workplace?**

We define *Respect* as Respect of self and of others. *Respect* includes: respect for the environment; respect for other people's privacy, their physical space and belongings; and respect for different viewpoints, philosophies, religion, gender, lifestyle, ethnic origin, physical ability, beliefs and personality.

### ***It's everyone's responsibility***

The most productive environment is that where employees are valued and treated with respect and dignity and where there is no unethical behaviour. Ethical behaviour encompasses the concepts of honesty, integrity, probity, diligence, fairness, trust, respect and consistency. Nobody should be forced to listen to bad language or insults or be belittled, alone or in front of others in any way.

If you are offended by someone's behaviour, explain to the person that you find his behaviour unacceptable. People can be unaware that they are offending others and would be upset if they were not told and some people may be more sensitive than others, or have different tolerance levels. Treating each other with respect and dignity is everyone's responsibility. Mistreatment of one's colleagues may eventually lead to more serious behaviour such as harassment.

### ***It's the Law***

In NSW, the combined effect of Federal and State laws means that employees have several options to seek advice or information about possible employment related discrimination. Under NSW legislation, employers must not treat employees/job applicants unfairly, or harass them, because of their:

- Age
- Carers' responsibilities
- Disability
- Homosexuality
- Marital status



- Race
- Sex
- Transgender.
- Or if you suffer an injury at work

It is also against the law to treat an employee or job applicant unfairly, or harass them, because of the age, disability, homosexuality, marital status, race, sex or transgender of any relative, friend or colleague.

This means that throughout Australia all employers, managers and supervisors must treat all their employees, and anyone who applies for a job with them, fairly - that is, generally on the basis of their individual merit rather than irrelevant personal characteristics. It also means that they must do their best to make sure that their employees are not harassing any other employee or job applicant. From 1 January 2010 the *Fair Work Act* covers the employment of sole traders, partnerships, other unincorporated entities and non-trading corporations in New South Wales. One of the changes under the new Fair Work System to NSW employers is an inclusion in the *Fair Work Act* of new streamlined protections dealing with workplace rights which including protection against discrimination.

Under the new legislation, the Fair Work Ombudsman may take investigative action into these any discrimination or adverse action claims made by the employee/s. Where the employee has been dismissed and the Fair Work Ombudsman feels it is a substantiated case of unlawful workplace discrimination, it may be recommended to the employee to take the matter to Fair Work Australia.

The outcomes of investigations vary. Depending on the case, the Fair Work Ombudsman may litigate, seek enforceable undertakings, provide education and training, or determine that there is a lack of evidence to substantiate the allegation.

**Under [Chapter 2 Places of work—risk management and other matters Clause 9\(2b\) of the NSW Occupational Health and Safety Regulation 2001](#) it is a requirement of all employers in NSW, regardless of size, to identify workplace**



risks. In particular the employer must take reasonable care to identify hazards arising from work practices, work systems and shift working arrangements (including hazardous processes, psychological hazards and fatigue related hazards). It is imperative that policy and procedures are developed to support inclusion of employees and that any complaint is acted upon and secondly that employers and employees take these complaints seriously. The only way to eliminate these hazards is to have policies and procedures that respect dignity in the workplace.

These policies and procedures should effectively deal with the issue by:

- Clearly setting out processes for complaints and appeals,
- Providing training to managers and supervisors
- Promoting awareness amongst employees

### ***What Is Bullying And Harassment***

Bullying is persistent unwelcome behaviour, mostly using unwarranted or invalid criticism, nit-picking, fault-finding, also exclusion, isolation, being singled out and treated differently, being shouted at, humiliated, excessive monitoring, having verbal and written warnings imposed, and much more. Anyone can be harassed, including people of any age or race, women or men. Harassment is often about one person (or a group of people) using power inappropriately over another person or group of people.

Sexual, racial and disability discrimination are the most common forms of harassment, but it can also be based on any other ground of discrimination. It can be an isolated incident or repeated behaviour and is essentially about what the recipient deems to be offensive, not what the sender intends.

### ***Overt and Covert Bullying***

Overt workplace bullying includes:

- Yelling, swearing, screaming, offensive behaviour
- Name-calling or practical pranks at the expense of the employee.
- Threats, intimidation, coercion, belittling, initiations.



Workplace bullying is not always overt; it can be subtle but insidious. It is a serious issue that not only causes a risk to the health and safety of the victim, but can also affect the whole business. And occasionally, the consequences can be dire. Covert bullying can be understood as any form of aggressive behaviour that is repeated, intended to cause harm, characterised by an imbalance of power and is hidden from, or unacknowledged by, company hierarchy. It can include the spreading of rumours or attempts at socially excluding others. Cyber bullying is a form of covert bullying and is carried out through the abuse of technology; for example, on the Internet through emails, blogs and social networking sites, as well as via mobile phones.

In the workplace, bullying usually focuses on distorted or fabricated allegations of underperformance

- Setting a person up to fail by overloading them with work or setting impossible deadlines
- Consistently attacking a member of staff in terms of their professional or personal standing
- Competent staff being constantly criticised
- Having responsibilities removed or being given trivial tasks to do
- Shouting at staff
- Persistently picking on people in front of others or in private
- Regularly making the same person the butt of jokes

### ***The Effects of Bullying and Harassment***

Being bullied does damage lives. The long-term effect of on-going bullying does damage a person's health and well-being and is long lasting. It damages self-esteem, increases anxiety and causes serious depression and can lead to terrible and tragic events like suicide.

The effects of bullying can be psychological and financial and include:

- Anti social behaviour, impact on family/relationships
- Stress-related illnesses and headaches



- Anxiety, depression; self-blame
- Stomach disorders and skin rashes
- Disempowerment
- Lethargy and sleep disturbance
- Anger; irritability
- Loss of concentration
- Loss of self esteem, lowered self confidence
- Loss of income; loss of potential income
- Panic attacks
- Reluctance to go to work
- Uncertainty of self
- Actively seeking other positions
- Post traumatic stress disorder
- Suicide

### ***Responding to Incident / Reports***

An organisation may use a number of ways for people to notify bullying incidents, such as:

- Submitting written reports, including by a form
- Submitting verbal reports

An organisation may also consider supervisors acting on overheard verbal abuse or offensive language or any directly observed bullying type behaviour. These may also be considered as reports for the purposes of investigating bullying behaviour.

### **Resolution process**

Each situation that is reported or observed will usually be different. Therefore, to ensure a consistent approach, it is important to have an agreed procedure in the workplace for dealing with reports.



An employer should develop a workplace bullying resolution procedure in consultation with health and safety representatives.

### **Resolution – key principles**

Once a report has been made, there are a number of key principles that should guide the employer's response. These principles should also be built into any procedures developed for the resolution process.

**Treat all matters seriously:** Treating all reports seriously encourages reporting and shows employees the organisation's commitment to its 'no bullying' policy.

**Act promptly:** Prompt intervention can assist in resolving reports as quickly and as fairly as possible. It is expected that reports of bullying behaviour will be acted upon within seven days

**Non-victimisation of person who reports:** It is important to ensure that anyone who raises an issue of bullying is not victimised for coming forward.

**Support for both parties:** Once a complaint has been made, the person or persons involved should be told of the support systems available to them. These can include employee assistance programs and peer support systems. The person or people against whom the allegations have been made should also be informed of opportunities for support.

In addition, all employees involved should be allowed to have an advocate present at interviews or meetings (e.g: health and safety representative or union representative)

**Neutrality:** Those involved in an investigation or resolution should never have been directly involved in the incident they are investigating or attempting to resolve. Impartiality towards all parties involved is critical. Those involved should have confidence in the person who is undertaking the resolution process.

**Communication of process:** Those involved need to be informed of the resolution process, how long it will take and what they can expect will happen during and at the end of the process.



Note: It is very important to communicate with the person who has made a complaint when any delays occur.

**Confidentiality:** Those involved need to be assured that confidentiality will be maintained. This is important in case the matter is not proven and to prevent the matter from escalating.

**Documentation:** Documentation is important to any formal investigation or resolution action.

Even if the matter is not formally investigated, a record should be made of all meetings and interviews detailing who were present and the agreed outcome(s).

**Natural justice:** The principles of natural justice should be followed in all formal investigations. These principles are designed to protect all those involved.

### ***Suggested approaches for successful resolution***

A resolution process should be flexible and enable a choice or course of actions to be undertaken which specifically suit the situation reported.

Below are three approaches that can be used to assist resolution. These approaches can be used in combination or on their own, depending on the situation involved. They can also be used as a step-by-step approach to resolution.

When developing a workplace resolution procedure for bullying, agreement should be reached on when each approach is appropriate. The resolution approach taken by the employer should reflect the seriousness of the situation. It is important for the person who reported the situation to agree with the proposed approach or combination of approaches for resolution.

#### ***Direct approach***

Assessing whether a direct approach will help resolve a report/incident of bullying is a positive first step. Where serious allegations have been made, the direct approach is not appropriate.



As an example, a report involving an escalation of bullying into violence or threats would not be suited to a direct approach. The direct approach involves a clear and polite request for the behaviour to stop. The person affected, their supervisor or manager, or another relevant person can make this request. Anyone requested to act on behalf of the person affected should adopt a confidential, non-confrontational approach with a view to resolving the issue.

### **Examples of the direct approach:**

- The person affected directly approaches the person responsible for the inappropriate behaviour to discuss the matter
- The person affected, with the support of a person they trust (eg: health and safety representative, supervisor, friend or union representative), directly approaches the person responsible for the inappropriate behaviour to discuss the matter
- The person affected asks their supervisor (or another senior employee) to speak to the other person on their behalf
- A supervisor or manager directly observes bullying and intervenes, even though no report has been made

If the direct approach succeeds, and the offending behaviour stops, it may not be necessary to have a further step. In other circumstances, monitoring the situation for signs of recurrence may be appropriate.

### ***Discussion involving an independent third party***

The objective of this step in a process is to settle an issue with as little conflict and stress as possible. The agreement of all parties to participate in this discussion is important for success, and the independence of the third party needs to be recognised by all parties involved.

The discussion should focus on resolving the problem and agreeing on actions that will be undertaken to assist the resolution.

This action can be undertaken at two stages in the resolution process:

- Where the direct approach has not resolved the issue
- Where an investigation has recommended discussion to assist resolution



There are some circumstances where it would not be appropriate to use this method. Such circumstances include situations involving allegations of occupational violence, or where there is a significant difference in power between the parties.

### ***Investigations***

Where the behaviour does not cease after a direct approach or discussion, an investigation to establish whether or not the report is substantiated should be undertaken. **Where a serious allegation has been made, an investigation should be the first step taken.**

Prompt and thorough investigation can lead to quick resolution and will demonstrate to employees that bullying is taken seriously. An impartial and appropriately skilled person should conduct investigations.

### ***Actions to assist resolution***

Complaint resolution is a very important part of dealing with bullying in the workplace. Employers should make sure that the people affected by the behaviour are satisfied their concerns have been dealt with appropriately. The options for resolving a complaint of bullying will vary on a case-by-case basis according to seriousness and other circumstances. Some options for resolution are outlined below. A number of these may be used in combination.

### ***Strategies for resolution***

- Gain commitment to cease the behaviour
- Run bullying awareness training for entire workforce
- Review the 'no bullying' code of conduct policy with all employees and managers
- Provide mediation between the parties (where both parties agree to mediation and to the mediator)
- Provide training (eg. communication skills, diversity awareness, interpersonal skills)
- Offer counselling to the bully (where necessary)
- Offer support and counselling to the affected person



- Move the bully away from the affected person
- Use Company code of conduct to performance counsel the bully
- Require an apology

### **After Resolution**

After a situation has been resolved, an employer should also examine the work situation to identify and address any underlying risk factors that may have contributed to the bullying occurring. Unfortunately Workplace bullying can also hinder the organisational dynamics such as group cohesion, peer communication, and overall performance. Resolution of complaints does not bring about automatic relief, **residual bullying** (after the bully has left or been fired or performance counselled, the behavior continues by the bully or others) can be the cause of much distress. So after the situation has been resolved, time must be spent on re-establishing these working relationships and to show employees this issue is taken seriously and employees are valued highly.

### **What You Can Do**

1. Bullying at work is an occupational health and safety (OHS) issue. Under OHS law, workers have the right to a safe and healthy working environment, and employers have the legal duty to protect the health and safety of workers. This means that employers must not cause or allow bullying to happen at their workplaces.

2. Involvement of the health and safety representative, the health and safety committee, and / or the union delegate or shop steward at your workplace is absolutely essential to assist in combating this growing problem.

Talk with your fellow workers - it is very likely that if someone feels they are being bullied, other people at work may also be.

3. Report it, A large number of employers also have a dedicated EEO (EQUAL EMPLOYMENT OFFICER) a complaint can be made and they are required to follow up and report back to you. Statistically, workplace bullying is most often carried out by managers or supervisors. If the abuse is allowed to continue, we are in effect telling the bully that we don't believe we are worthy



of being treated with respect. Take your diary with you to back up what you have to say. They may not believe you but you have at least told them there is a bullying problem. The more people that know, the more difficult it is for the bully to flourish.

4. Get the organisation to commit to a workplace dignity and respect charter Do not hesitate to call your union if necessary and get the legal advice and support you need
5. Make sure you're informed - find out what the organisation's policies and procedures are for preventing and handling bullying complaints
6. Keep a diary. This will give a vital record of the nature of the bullying and when it occurred. It will be important when the bully is confronted. Many of the incidents may appear trivial in isolation so it is important to establish a pattern over a period of time.
7. In the end you may have to make a formal complaint and go through the grievance procedure. A large number of employers have an EEO OFFICER. If you do take this route, never go to a meeting connected with the complaint without a witness.

### ***What The Union Can Do***

Unions have identified bullying as a serious trend in employment (especially towards young workers) and have taken steps to have the issues highlighted and addressed in the workplace. Unions can help workers who believe they have been bullied at work by:

- Providing support to workers who believe they have been bullied at work
- Identifying, assessing and controlling workplace risks associated with bullying behaviour
- Assisting in the development of policies and procedures to prevent bullying behaviour and to ensure such workplace policies and procedures are in place



- Assisting in the development of workplace dispute settlement procedures
- Negotiating directly with the employer
- Including Occupational Health and Safety clauses in enterprise agreements
- Representing an employee in industrial tribunals
- Assisting in the process of conducting risk assessments
- Launching prosecution action in the Industrial Relations Commission for breaches of the Occupational Health and Safety Act and regulations
- Monitoring Workers Compensation claim history to establish if patterns are developing with bullying in the workplace
- Assisting union members in workers compensation claims and rehabilitation
- Arranging for counselling for affected employees.

Unions will maintain confidentiality regarding all complaints and enquiries

- It is important to maintain confidentiality in case the matter is not proven and to prevent the matter from escalating
- If the matter is to be made formal through the courts the basis of the complaint will have to be detailed with all parties able to give evidence as to their version of events.

### ***Making use of diversity***

Individuals have strengths and weaknesses, which make them different from the others. The understanding of what people can do well and what they do less well is important both to the person and to his management. The differences should be valued and used to their full advantage. Using diversity is an important aspect of management.

Ask anyone in your workplace what treatment they most want at work. They will likely top their list with the desire to be treated with dignity and respect. Everybody needs respect. You know when you have respect. You know when



you don't. But what is respect really? And, how is respect demonstrated at work?

You can demonstrate respect with simple, yet powerful actions. These ideas will help you avoid needless, insensitive, unmeant disrespect, too.

- Treat people with courtesy, politeness, and kindness.
- Encourage co-workers to express opinions and ideas.
- Listen to what others have to say before expressing your viewpoint. Never speak over, butt in, or cut off another person.
- Use people's ideas to change or improve work. Let employees know you used their idea, or, better yet, encourage the person with the idea to implement the idea.
- Never insult people, name call, disparage or put down people or their ideas.
- Do not nit-pick, constantly criticise over little things, belittle, judge, demean or patronise. A series of seemingly trivial actions, added up over time, constitutes bullying.
- Treat people the same no matter their race, religion, gender, size, age, or country of origin. Implementation of policies and procedures consistently so people feel that they are treated fairly and equally. Treating people differently can constitute harassment or a hostile work environment.
- Include all co-workers in meetings, discussions, training, and events. While not every person can participate in every activity, do not marginalise, exclude or leave any one person out. Provide an equal opportunity for employees to participate in committees, task forces, or continuous improvement teams.
- Praise much more frequently than you criticise. Encourage praise and recognition from employee to employee as well as from the supervisor.
- And above all else, treat others as they wish to be treated.





CHECKLIST	YES	NO
Name_____Workplace_____		
1. Does this workplace have a Code Of Conduct policy developed in consultation with employees?		
2. Has the organisation signed the Dignity and Respect Workplace Charter?		
3. Are all job descriptions clearly defined?		
4. Are grievance and investigation procedures for incidents involving alleged workplace bullying complaints in place?		
5. Does this workplace have hazard reporting procedures in place for reporting workplace bullying and violence?		
6. Have supervisors and managers been trained to recognise and deal with workplace bullying?		
7. Has awareness been raised amongst staff about bullying and harassment in this workplace?		
8. Are workers encouraged to speak up about health and safety concerns?		
9. Do workers understand that workplace bullying is an occupational hazard and unacceptable?		



10. Has your workplace signed up to the Dignity and Respect in the Workplace Charter?		
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When conducting your risk assessment for identifying the potential for psychological hazards use the following checklist. Note that this checklist is not exhaustive and you may need to consider other factors that may be unique to your workplace. If you answered **YES** to any of the questions 11 -18 below, this may indicate there is a problem in your workplace and you should contact your union or OHS representative or visit the UnionSafe website to see what can be done to manage the psychological hazards that exist in your workplace

**PART B: Assessing Risks of Bullying?**

CHECKLIST	YES	NO
11. Is the organisation undergoing restructuring, redundancy?		
12. Are there competitive work teams in the organisation?		
13. Is work over monitored?		
14. Are long hours of work routinely expected?		
15. Do managers expect workers to comply with impossible targets or time frames?		
16. Are workers shouted at or picked on?		
17. Are there high levels of sick leave?		
18. Are there high levels of absenteeism?		

***Useful Resources:***



## [WORKCOVER N.S.W: Preventing And Responding To Bullying At Work](#)

### [Human Rights Commission](#)

### [Reachout.com: Workplace Bullying](#)

For more information please contact your union. This Literature is recommended as a guide only and is not a substitute for professional or legal advice. If you need clarification or further advice please consult your Union for further information or Contact the Workers Health Centre



### Workers Health Centre

The Workers Health Centre provides a range of quality services in occupational health and safety.

#### **Ground Floor**

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A short walk from Granville railway station.  
Street parking is available.