



## What is workplace harassment?

Workplace harassment, also known as ‘**workplace bullying**’, can affect any person at any level of employment. Workplace harassment occurs when a person is subjected to:

- behaviour that can intimidate, offend, degrade or humiliate an employee, including abuses of power, isolation and alienation of employees and inappropriate comments about personal appearance or work performance.
- persistent negative attacks on personal and professional performance that are typically unpredictable, irrational and often unseen by others.

The Queensland Division of Workplace Health and Safety Prevention of Workplace Harassment Code of Practice 2004 defines it as:

*“The repeated less favourable treatment of a person by another or others in the workplace that may be considered unreasonable and inappropriate*”

## About workplace harassment

Workplace harassment can be physical or psychological and can include verbal, nonverbal, psychological, physical abuse and humiliation. Workplace harassment can be difficult to deal with because the bully often operates within the established rules and policies of the organisation. Harassment is rarely a single incident and tends to be an accumulation of many small incidents (i.e. repeated).

Workplace harassment occurs when a person uses their strength or power to coerce others by fear, to persecute or oppress by force or threat.

## What is not workplace harassment?

Some confusion exists between discrimination, sexual harassment and workplace harassment. Anti-discrimination legislation makes certain types of behaviour unlawful, such as discriminating against someone or sexually harassing anyone.

### Discrimination

- occurs when someone or a group is treated unfavourably because of a particular characteristic, such as sex or race.

### Sexual harassment

- is any unwelcome conduct of a sexual nature where a **reasonable person** would have anticipated offence, humiliation, or intimidation
- It may include:
  - touching or physical contact
  - remarks with sexual connotations
  - requests for sexual favours
  - leering
  - displaying offensive material.

### Assault

Workplace harassment may *include* assault, but assault itself is a criminal act. Advice in this information sheet does not apply to situations where criminal acts of violence have occurred. You should contact the police if assault occurs at work or in a workplace situation, such as at a work function.

## How to recognise workplace harassment

### Obvious harassment behaviour includes:

- shouting and swearing repeatedly at staff in public or private
- humiliating staff
- insults and name-calling
- persistent criticism
- spreading unfounded malicious rumours
- always cutting across others in conversation
- persecution through threats or instilling fear.

### Less obvious harassment behaviour includes:

- teasing
- talking over people
- removing areas of responsibility, imposing menial tasks
- deliberately sabotaging or impeding work performance
- taking credit for the work of another
- constantly changing targets or work guidelines
- ignoring co-workers
- practical jokes

### Rarely recognised harassment behaviour includes:

- withholding information or supplying incorrect information
- over-monitoring ('micro-management')
- refusing to delegate
- deliberately interfering with post, messages and other communication
- setting people up to fail—impossible deadlines; excessive workload
- blocking leave applications, training or promotion
- not listening to other points of view

## Effects of harassment

The effects may be emotional and/or physical:

- stress
- anxiety
- loss of self-esteem
- loss of financial security
- loss or deterioration of personal relationships
- depression

- migraine, upset stomach, palpitations, etc.

## What can you do about harassment?

If you believe that you are being bullied at work there is a range of options available to you. It is important to consider all options and decide on the best possible solution for you:

### (i) Legal avenues / formal complaints:

#### Check for a grievance procedures and policies

- Consult your award, Enterprise Agreement or contract and identify if a grievance procedure or policy on workplace harassment or health and safety policy exists.
- If you work for a larger organisation, there may be a human resources department that may assist you in locating the grievance procedure. If a formal grievance procedure or policy exists, follow the procedures set out for making a complaint about the harassment.
- Some employees may be able to access resources such as employee assistance officers, equity officers, workplace health and safety officers as well as counselling or medical services from employer-approved providers. All these resources should be used in an effort to resolve the situation.
- If no formal grievance procedure exists, investigate alternative avenues of support. For example:
  - approaching a manager or seeking the help of a colleague who is willing to back up your claims.
  - Employees are entitled to take a support person to any meetings or discussions held in relation to their grievance.
- If the matter cannot be resolved internally and you are covered by an award or Enterprise Agreement, you may lodge a notice of industrial dispute with Fair Work Australia or the Queensland Industrial Relations Commission only after you have exhausted internal dispute or complaints processes.

- Take comprehensive notes regarding the incidents of bullying.
- Bullying can be very difficult to define and address, and at times, almost impossible to prove to the satisfaction of your employer. It is very important to keep a diary of events, recording incidents in detail. This diary may also contain the names and addresses of people willing to support your claim, or who have witnessed the harassment. This can be used at a later date to assist with proving your case and may be seen as valid evidence in a court of law or tribunal.
- Consider joining a union
- Being a member of a union will ensure that your rights are protected. Union members are provided with support and representation in workplace disputes.

### **Dispute resolution centres**

- You may be able to arrange dispute resolution through government dispute resolution centres. These centres provide an informal non-legal service to people in conflict. This service is free, voluntary and confidential. The Alternative Dispute Resolution Branch may provide a mediator or conciliator to assist the parties talk through and resolve any conflict. As participation in this process is voluntary, dispute resolution centres will contact both parties to gain agreement to mediation.

### **Contact WorkCover if appropriate**

- Where it can be established that a psychological injury has occurred due to workplace bullying, you may be entitled to make a claim for Work Cover, for a claim to be successful you need to prove that work was a significant contributing factor to the injury.

### **Police**

- If you have been assaulted in the workplace as a result of bullying behaviour, you may choose to report it to the police.

### **(ii) Personal approaches and options:**

- Protect your personal boundaries:
- Consider talking to the bully; focus on the inappropriate behaviours and not the individual.
- Withdraw or minimise contact with a harassment situation.
- Avoid one-on-one confrontations with the person doing the harassment.
- Learn to say no to additional pressures.
- Plan actions and/or responses to possible harassment situations.

### **Be self-responsible:**

- Believe you can do something about being bullied.
- Look at your reactions to the harassment.
- Listen to what is being said and ignore the insults.
- Develop positive responses to verbal attacks.
- Allow yourself to grieve.
- Construct positive images of yourself.
- Don't hold on to negative emotions.
- Ensure you have a support network.
- Know your rights and options.
- Have realistic expectations.

### **Stress management:**

- Take regular breaks.
- Consider counselling or personal development courses.
- Improve your diet.
- Exercise regularly.
- Make time for relaxation and sleep.
- Contact your doctor –
  - if the harassment is causing you to become ill;
  - if you require time off because of the harassment;
  - if work requires medical opinion or proof of the effects of the harassment.

## What should an employer do about harassment?

- Recognise that harassment exists and what the costs to the organisation are.
- Develop policies and procedures.
- Circulate the policy.
- Explain and train.
- If harassment endangers a worker's health and the employer is found to have failed in its duty of care to provide a healthy and safe workplace, the employer may be liable under the Workplace Health and Safety Act (Qld).

### FOR MORE INFORMATION & ADVICE:



1800 621 458  
(07) 3211 1440  
[www.qwws.org.au](http://www.qwws.org.au)

#### **OTHER SERVICES:**

**Young Workers Advisory Service** (advice and information for workers ages 25 and under):

Ph: 1800 232 000

Web: <http://www.ywas.org>

**Queensland Council of Unions** (for information about joining a union):

Ph: 3846 2468

<http://www.qcu.asn.au>

**Department of Education and Training**  
(Apprentice and trainee enquiries)

**1800 210 210**

**Fair Work Infoline:**

(Handles wage, dismissal, employment conditions and discrimination complaints)

Ph: 13 13 94

[www.fairwork.gov.au](http://www.fairwork.gov.au)

**Queensland Workplace Rights Ombudsman:**  
(May investigate complaints about unfair practices )

Ph: 1300 737 841

<http://www.qwro.qld.gov.au>

**Anti-Discrimination Commission Queensland:**

Ph: 1300 130 670

<http://www.adcq.qld.gov.au>

**Australian Human Rights Commission**

Ph: 1300 656 419

<http://www.hreoc.gov.au>