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fact sheet

What is Bullying

Defining Workplace Violence

Everyone in the workplace deserves to be treated with dignity and respect. No one should suffer bullying or harassment while going about their work.

There is a risk of bullying occurring wherever people work together. Bullying is not always intentional. Bullying is the result of unreasonable behaviour. It is important that people are aware of what bullying behaviour is and the impact it has on their co-employees.

Workplace bullying is repeated, unreasonable behaviour directed toward an employee, or group of employees, that creates a risk to health and safety.

Other Definitions

Within this definition there are other terms that should be understood.

“Unreasonable behaviour” is behaviour that victimises, humiliates, undermines or threatens.

“Behaviour” includes actions of individuals or a group, and may involve actions that have a psychological impact or use a system or work methods that allow the victimising, humiliating, undermining or threatening of an employee.

“Risk to health and safety and welfare” includes risk to the psychological wellbeing or physical health of an employee.

“Welfare” means the wellbeing of an employee.

What is “repeated” behaviour?

“Repeated” refers to the persistent nature of the behaviour, not the specific form the behaviour takes. Behaviour is considered “repeated” if an established pattern can be identified.

It may involve a series of diverse incidents – for example, verbal abuse, deliberate damage to personal property and unreasonable threats of dismissal.

What about a single incident?

According to the definition, a single incident of bullying-style behaviour does not constitute workplace bullying. However, since an employer has a general duty to provide his or her employees with a safe workplace and safe system of work, single incidents of bullying-style behaviour should not be ignored or condoned.

Examples of Acceptable Behaviour

Legitimate Managerial Actions

The employer has the prerogative to legitimate managerial actions.

Legitimate managerial actions include:

- Performance management processes;
- Action taken to transfer or retrench an employee in fair and equitable manner;
- Justified decisions not to provide a promotion in connection with an employee's employment;
- Disciplinary procedures for proven misconduct, and other behaviour or actions involving proven breaches of discipline or code of conduct;
- Managed business processes, such as, workplace change or restructuring conducted in consultation with the employees and their representatives, which is required under the *NSW Occupational Health and Safety Act 2000* ('the Act').

This does not cover situations where a worker has a legitimate grievance about management actions, taken in a reasonable way.

Examples of Workplace Bullying or Unacceptable Behaviour

The following types of behaviour, where repeated or occurring as part of pattern behaviour, that could be considered bullying:

- Being overloaded with work, or not being given enough work to do;
- Being required to perform tasks without proper training or instruction, and which may place an employee at risk from injury. ;
- Unreasonable overtime, unfair rostering, allocation of work or being asked to perform non-work related tasks;
- Being excessively supervised or criticised.
- Subjected to constant ridicule and being put down in front of co-employees.
- Damage or interference with personal belongings, sabotage or undermining of work,
- Being the victim of loud and abusive, threatening or derogatory language usually when co-employees are present;
- Open or implied threat of the sack, or demotion or being pressured to resign;
- Creation of an oppressive and/or unhappy work environment to coerce or intimidate employees.;
- Intimidation or threats to employees not to report or complain about conditions, unacceptable behaviours or health, safety and welfare;
- Leaving offensive messages on email or by telephone;
- Maliciously excluding and isolating a person from workplace activities, and promotional opportunities. ;
- Humiliating a person through gestures, or sarcastic, racist, or derogatory comments, often in front of clients, management or co- employees;
- Spreading gossip, false or malicious rumours about a person with intent to cause damage to an employee's employment or reputation.
- Inequitable use of performance management.