

The role of Workplace Health and Safety Queensland in work-related bullying complaints

What is work-related bullying?

Work-related bullying is defined as *repeated* and *unreasonable* behaviour directed towards a worker or a group of workers that *creates a risk to health and safety*.

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

What is not work-related bullying?

1. A single incident of unreasonable behaviour is not considered work-related bullying, however it may have the potential to escalate and should not be ignored by work parties.
2. Work-related bullying does not include reasonable management action taken in a lawful and reasonable way, taking the particular circumstances into account.
3. Differences of opinion and disagreements are generally not considered to be work-related bullying.
4. Work-related bullying does not include acts of unlawful discrimination¹ or sexual harassment².

What are my health and safety duties?

The *Work Health and Safety Act 2011* imposes health and safety duties on various parties to ensure risks to work health and safety are effectively managed. These duties include managing risks to health and safety associated with work-related bullying.

The [Guide for preventing and responding to workplace bullying](#) provides information for persons conducting a business or undertaking on how to manage the risks of work-related bullying as part of meeting their duties under the work health and safety laws.

The [Dealing with workplace bullying – a worker's guide](#) assists workers determine if work-related bullying is occurring and how the matter may be resolved.

How do I lodge a complaint?

Workplace Health and Safety Queensland (WHSQ) respond to complaints that fall within the scope of the *Work Health and Safety Act 2011*.

To lodge a work-related bullying complaint, you must contact Workplace Health and Safety Queensland on 1300 362 128 to obtain an information pack. The information pack must be completed, signed and returned to WHSQ. Unless there are exceptional circumstances, the complaint must be in writing.

Attempts should be made to resolve the situation internally prior to contacting WHSQ. Information regarding the outcome of attempts to resolve the matter at work should be included in the written complaint.



What happens next?

Where a complaint falls within the scope of WHSQ's remit and a risk of injury or illness from work-related bullying is determined likely to exist, an inspector may be assigned to the complaint.

The purpose of the inspector's assessment is to determine if the duties under the *Work Health and Safety Act 2011* are being met in regard to preventing and managing the risk of exposure to work-related bullying.

The inspector will contact the nominated work contact person, advise them of the complaint and may request evidence in relation to whether the risk of injury or illness from exposure to work-related bullying is being effectively managed.

The types of evidence an inspector could request include:

- incident records
- a policy that sets out standards of appropriate work behaviour
- copies of the reporting and response procedures
- records to demonstrate how the allegation of work-related bullying has been investigated
- steps that were taken to remedy the situation (should the risk of work-related bullying be identified in the investigation)
- staff training records
- any other information as decided by the inspector.

When an inspector visits

During a visit, the inspector may review documentation and may interview staff members as part of the assessment. The inspector will assess if there is a risk of injury/illness from exposure to work-related bullying and review the adequacy of controls implemented to manage this in relation to work.

When persons fail to meet their duties under the *Work Health and Safety Act 2011*, inspectors may use a range of compliance and enforcement options including, but not limited to, advice, verbal directions, improvement and infringement notices.

Inspectors are skilled in determining the best enforcement option/s to use in response to a given situation in order to secure the most advantageous workplace health and safety outcome.

When taking enforcement action, inspectors will explain:

- the reasons for taking the action
- the evidence on which they have based their decision
- what you should do to comply and the date by which you should comply
- where you can get guidance on how to comply.

Scope of WHSQ involvement

WHSQ will not:

- provide legal advice ([Legal Aid Queensland](#) provide services that may be of assistance here)
- mediate between parties involved (the [Dispute Resolution Centre](#) can provide this service)
- provide counselling or victim support for work-related bullying matters
- order the person conducting the business or undertaking to discipline the alleged bully or terminate their employment
- take sides
- deal with industrial matters
- issue an order to stop behaviours that constitute work-related bullying (the [Fair Work Commission](#) have powers to issue these orders if required).

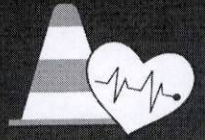
Compensation, unfair dismissal, reinstatement or other individual outcomes are not within the role of WHSQ.

More information

To obtain a copy of the [Guide for preventing and responding to workplace bullying](#), [Dealing with workplace bullying – a worker's guide](#), or for other work health and safety legislation and information, visit www.worksafe.qld.gov.au or call WHSQ on 1300 362 128.

¹ Discrimination on the basis of the following attributes— (a) sex (b) relationship status (c) pregnancy (d) parental status (e) breastfeeding (f) age (g) race (h) impairment (i) religious belief or religious activity (j) political belief or activity (k) trade union activity (l) lawful sexual activity (m) gender identity (n) sexuality (o) family responsibilities (p) association with, or relation to, a person identified on the basis of any of the above attributes.

² Sexual harassment is any form of unwelcome attention of a sexual nature that is humiliating, intimidating or offensive.



This November our Safety and Wellbeing focus is Fatigue

Fatigue is more than feeling tired or drowsy. Fatigue is a mental and/or physical exhaustion which reduces a person's ability to function normally. Inadequate amounts of sleep, disruption to the sleep cycle, emotional issues and lifestyle factors can all contribute to fatigue and it can be caused by both work related and non-work related factors which accumulate over time. The effects of fatigue can be short or long term, and can have substantial impacts on overall health. Heart disease, diabetes, high blood pressure, anxiety and depression are all longer term health problems which can be associated with fatigue.

The following signs may indicate that someone is fatigued:

- Excessive yawning or falling asleep at work
- Short term memory problems and an inability to concentrate
- Noticeably reduced capacity to engage in effective interpersonal communication
- Impaired decision-making and judgment
- Headaches, dizziness, blurred vision
- A need for extended sleep during days off work.



Suggestions to help with the management of fatigue include:

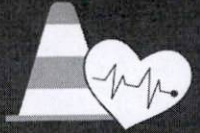
- Maintaining good nutrition and exercising for overall wellbeing
- Adhering to good sleep practices (getting into a routine for going to sleep)
- Avoiding heavy meals, alcohol and caffeine before bed
- Creating a healthy balance between your social life and rest
- Limiting overtime, ensuring that you are taking your breaks, and that you are getting at least 7-8 hours' sleep in each 24-hour period

Reaching Out

If you're still struggling to manage your fatigue levels within the workplace, please don't hesitate to speak with your supervisor or your general practitioner, alternatively check out following links below for further information and assistance.

- SafeWork Australia's Fatigue Management Guide
- WorkSafe QLD Health & Safety in the Office - Fatigue
- QLD Health - Stress and Lifestyle - Management Guide

Any questions or for more information please contact the CPL Safety and Wellbeing Team –
hrhealthsafety@cpl.org.au



Taking Care of Yourself and Others: Recognising when to implement Self-Care

For most of us, finding the right balance between work and personal life can be a real challenge and can seem like an ever-changing give and take. A few ideas to consider that may help:

- Considering quality over quantity – switch off TV or electronics and have some fun
- Work on time management skills to use time efficiently and avoid working long hours if your role allows
- Learn to leave work at work to better focus on your family, friends or hobbies. Tip: take five minutes at the end of the day to make a list of what you'd like to work on tomorrow and jot down any thoughts that pop into your head after work so you are less likely to dwell on it or worry that you may forget.

Work can make us feel good about ourselves and give us a sense of purpose; it's an important way to help us to protect and improve our mental health and wellbeing. But sometimes work and life stress can negatively affect our mental health and our ability to do our jobs so it's important to recognise that mental health can be affected in multiple ways.

Learning to identify triggers for increased stress and red flag warnings for decreased mental health can help to turn things around and is an important way to stay well. Self-care and being mindful of what keeps you feeling good are other great ways to manage stress successfully. *Check out the links for self-care tips for a healthy mind and body:*

- ✓ <https://tinybuddha.com/blog/45-simple-self-care-practices-for-a-healthy-mind-body-and-soul/>
- ✓ <https://www.beyondblue.org.au/>
- ✓ <https://www.headsup.org.au/>



Looking after others

Looking after important people in our lives can be rewarding and it can also be emotionally and physically challenging. Don't forget the need for self-care and seeking support for others in your life if it gets to be too much. Ensuring that you know there are resources available to you and your loved ones is something that CPL cares about.

- 1 in 5 Australian adults and 1 in 7 young Australians experience a mental health condition during any 12-month period.
- Being there, listening without judgement and showing compassion, as well as assisting to find appropriate resources, are great ways to help someone going through a tough time.
- Remember help is out there and many people who get treatment go on to effectively manage their recovery.

Did you know that employees *and* immediate family members are eligible to access the LifeWorks EAP services offered by CPL? The counselling is free and confidential and can be for any reason.

Contact LifeWorks on 1 300 361 008 24/7 to find out more or to access services.

Resources specific to Young People:

- ✓ <https://kidshelpline.com.au/> or 1800 551 800 for 24/7 phone help
- ✓ <https://headtohealth.gov.au/supporting-someone-else/supporting/young-people>
- ✓ <https://www.youthbeyondblue.com/>
- ✓ <https://parents.au.reachout.com/>