



## ANMF (Vic Branch) Policy

### Workplace bullying

#### 1. Introduction

The Australian Nursing and Midwifery Federation (Victorian Branch) [ANMF (Vic Branch)] recognises that some of its members working in healthcare environments and other industries are exposed to workplace bullying during the course of their work, creating a risk to their health and safety.

Bullying is a hazard that can be extremely harmful to an individual's health. The psychological and physiological effects from bullying may include:

- high levels of stress
- anxiety
- panic attacks
- sleep disturbances
- loss of self-esteem
- self-confidence and feelings of isolation
- muscular tension
- headaches and digestive problems
- an impaired ability to make decisions
- frequent crying
- depression
- deteriorating relationships

Bullying can also have a very negative impact on the workplace environment including:

- low staff morale
- job dissatisfaction
- burnout
- increased absenteeism
- decreased productivity
- increased staff turnover
- costly workers' compensation claims

Bullying may also affect the ability of members to do their job which may result in a reduced capacity to provide high-quality care to their patients. The effects of this can be such that those experiencing the behaviours may decide to resign from their position, or even leave their profession.

#### 2. Objectives

The ANMF (Vic Branch) objective is to support the prevention and management of risks to the health and safety of Victorian nurses, midwives and carers, arising from exposure to workplace bullying during the course of their work.

#### 3. Scope

This policy applies to all ANMF (Vic Branch) members, and all nurses, midwives and carers eligible for ANMF (Vic Branch) membership in Victorian healthcare environments and other industries.

#### 4. Definitions

**Workplace bullying:** is repeated, unreasonable behaviour directed at an employee or group of employees that creates a risk to health and safety.<sup>1</sup>

This may incorporate a broad range of direct or indirect behaviours.

Examples of **direct** forms of bullying may include:

- 4.1 Abusive, insulting comments or offensive language (includes face-to-face, phone, email, text messages & social media)
- 4.2 Humiliating or putting someone down in front of others
- 4.3 Spreading malicious rumours or misinformation about someone

Examples of **indirect** bullying include:

- 4.4 Changing work rosters and leave to deliberately inconvenience a particular employee(s)
- 4.5 Deliberately excluding someone from workplace activities
- 4.6 Excessive scrutiny at work, unjustified criticism or complaints
- 4.7 Setting unreasonable timelines or constantly changing deadlines
- 4.8 Setting tasks that are unreasonably above or beyond a person's skill level
- 4.9 Withholding information that is vital for effective work performance

In defining workplace bullying, it is also necessary to clarify what it is **NOT**:

- 4.10 A single incident of negative behaviour is not considered to be workplace bullying, however, it may have the potential to escalate and so it should not be ignored.
- 4.11 Low level workplace conflict is not considered to be workplace bullying because not all conflicts or disagreements have negative health effects or pose a risk to health and safety. However, if the low level conflict is not managed properly, it can escalate to the point where it does meet the definition of workplace bullying.
- 4.12 Reasonable management actions are also not considered to be workplace bullying. Managers and supervisors can be required to undertake management actions to effectively direct and control the way that work is carried out and to provide feedback on an employee's performance. However, these actions should be conducted in a fair and reasonable manner.

Examples of **reasonable management actions** provided they are conducted in a reasonable manner may include:

- 4.13 Setting reasonable performance goals, standards and deadlines
- 4.14 Rostering and allocating working hours
- 4.15 Transferring a worker for operational reasons
- 4.16 Informing a worker about unsatisfactory work performance when undertaken in accordance with workplace policies or agreements, such as performance management guidelines
- 4.17 Informing a worker about inappropriate behaviour in an objective and appropriate manner
- 4.18 Deciding not to select a worker for promotion where a reasonable process is followed and documented
- 4.19 Implementing organisational changes or restructuring
- 4.20 Termination of employment

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<sup>1</sup> WorkSafe Victoria - *Workplace Bullying – A guide for employers*, page 1 (March 2020)

Harassment is often associated with workplace bullying because behaviour thought to be harassing in nature such as intimidation, insults and humiliation may form a pattern of behaviour that could be characterised as workplace bullying. **Unlawful harassment**, however, requires the relevant behaviour to be occurring as a result of a protected attribute as defined within equal opportunity legislation including age, carer and parental status, gender identity, physical features, sex and race.<sup>2</sup> While workplace bullying is most commonly dealt with under Occupational Health and Safety legislation, unlawful harassment is more appropriately dealt with under Federal and State Equal Opportunity legislation.

## 5. Policy

- 5.1 Under the Victorian Occupational Health and Safety Act 2004, all employees have a right to perform their work in an environment that is safe and without risks to health from exposure to workplace bullying.
- 5.2 The ANMF (Vic Branch) believes that bullying behaviour is not acceptable and should not be tolerated in any workplace.
- 5.3 Everyone at the workplace has a responsibility to ensure that bullying does not occur and should be expected to work and behave professionally and treat each other with tolerance, dignity and respect.
- 5.4 The ANMF (Vic Branch) encourages all members who experience or witness bullying behaviour to take action. It is essential to address the bullying by directly telling the person that their behaviour is inappropriate or offensive and it should stop if it is safe to do so. Further, members should refer to workplace policy and procedure applicable to workplace bullying and should report the bullying to their manager or the next appropriate level of management and lodge a formal complaint accordingly.
- 5.5 The ANMF (Vic Branch) expects all employers to treat any reports of bullying seriously and to respond to them promptly and effectively with procedural fairness and non-victimisation of any party. The ANMF (Vic Branch) supports a risk management approach to workplace bullying, in consultation with employees and Health and Safety Representatives, which involves:
  - 5.5.1 Employers identifying and assessing both the presence and risk of bullying behaviours by considering risk factors such as: organisational culture, negative leadership styles, inappropriate systems of work (increasing workload, excessive task demands, lack of support from management), poor workplace relationships and workforce characteristics such as new, young or injured workers on RTW Plans.
  - 5.5.2 Employers implementing appropriate risk control measures to actively create a workplace environment that discourages bullying. These include: ensuring good management practices, effective communication, designing safe systems of work (clearly defined roles and responsibilities, review and monitoring of workloads and staffing levels), promoting positive leadership styles, fostering teamwork and co-operation and preventing and acting upon negative behaviours.
  - 5.5.3 Employers monitoring and periodically reviewing the control measures that have been implemented in consultation with employees and particularly after a bullying complaint, to ensure that they are effective in managing the risks of workplace bullying.

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<sup>2</sup> Equal Opportunity Act (Victoria) 2010 s.6

## **6. Key elements**

### **6.1 Consultation**

A critical factor in the prevention of bullying is the need for employers to consult with employees and Health & Safety Representatives and involve them in the development and implementation of Bullying policies and procedures.

Employers should implement appropriate consultative and representative structures (including HSRs and OHS Committees) to enable proactive reporting of bullying incidents by affected individuals, or risk factors to their management and / or HSRs.

### **6.2 Instruction, education & training**

Employers should provide information and training on workplace bullying to all staff at inductions and at regular intervals and emphasise that bullying behaviours are not acceptable and will be acted upon.

Specific training should be provided to managers and supervisors in how to respond to bullying allegations and also in people management skills and issue resolution.

### **6.3 Policies and procedures**

Employers should develop and implement a Code of Conduct and a Bullying Policy which clearly states: the expected standard of behaviour, a commitment to not tolerating bullying behaviours at the workplace, control measures for preventing bullying, what may occur if the policy is not complied with, ie disciplinary action and how the Code of Conduct and Bullying policy will be enforced.

Employers should develop and implement procedures for responding to bullying allegations so that individuals know how and who to report to and should also ensure that there is a consistent and fair approach used by management when addressing them.

### **6.4 ANMF (Vic Branch) members**

6.4.1 Members should take reasonable care of their own health and safety and the health and safety of other persons (employees and others) who may be affected by their acts or omissions at the workplace, in relation to bullying behaviours.

6.4.2 Members should co-operate with the employer with respect to any reasonable action taken by the employer to provide a safe and secure workplace and to assist the employer to fulfill the employer's duties under OHS legislation e.g. this includes complying with Bullying policies and procedures, participating in training provided. Employee non-compliance should be addressed in accordance with the Workplace Bullying Prevention policy and procedures.

6.4.3 Members should not ignore bullying behaviour. They should report any bullying behaviour to their manager or the next appropriate level of management or HR Department.

6.4.4 Supervisors and managers should recognise the causes and signs of bullying and if they observe negative behaviours from any staff, should act immediately to address them.

### **6.5 ANMF (Vic Branch) commitment**

6.5.1 The ANMF (Vic Branch) will continue to pursue bullying as an OHS hazard that should be prevented using a risk management approach.

6.5.2 The ANMF (Vic Branch) staff will continue to provide support and assistance to members who are experiencing bullying or who may be the subject of bullying allegations, including discussion with members, review of allegations and advice about

avenues to pursue concerns, representation as required at the workplace and providing advice to employers regarding their Bullying policy and procedures.

- 6.5.3 The ANMF (Vic Branch) will continue to provide information to educate and inform members about preventing and managing workplace bullying. This includes such information as: the Guide to assist members – Workplace Bullying; Bullying Information packs; Bullying brochures; and the provision of documents to assist with outlining allegations.
- 6.5.4 The ANMF (Vic Branch) will continue to provide education and awareness to members and non-members on preventing and managing workplace bullying through its OHS seminars.
- 6.5.5 The ANMF (Vic Branch) staff will continue to ensure that employers use a fair and appropriate and timely process when responding to and managing bullying complaints.
- 6.5.6 ANMF Inter-member 'Disputes' where a bullying allegation involves inter-member disputes, the ANMF will make a determination about the representation requirements for the members involved, so as to avoid any perceived conflicts of interest Workplace Job Representatives or HSR's can be support persons for members involved in bullying allegations. They should not, however, directly represent members in these types of disputes.

## **7. Relevant legislation**

- Occupational Health & Safety Act (Vic) 2004 Equal Opportunity Act (Vic) 2010
- Fair Work Act (Cth) 2009

## **8. Relevant guidance**

- ANMF (Vic Branch) Occupational Health and Safety Policy (September 2020)
- ANMF (Vic Branch) Workplace Bullying - Guide to assist members (April 2018)
- WorkSafe Victoria – *Your guide to workplace bullying – prevention and response* (October 2012) Victorian Equal Opportunity & Human Rights Commission - *Victorian Discrimination Law*
- Resource book (April 2013)
- Victorian Equal Opportunity & Human Rights Commission website
- Fair Work Commission website