

# Fact sheet

## Workplace bullying

September 2024

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This fact sheet assists mine operators and workers to understand their duties and responsibilities in relation to workplace bullying.

#### Workplace bullying

Workplace bullying is repeated, and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.

It can occur in any workplace and can be harmful to you if you experience or witness it.

Some examples of potential workplace bullying include:

- abusive or offensive language or comments
- aggressive and intimidating behaviour
- belittling or humiliating comments
- practical jokes or initiation
- unjustified criticism or complaints
- deliberately excluding someone from workplace activities
- withholding information that is needed for work.

However, a single incident of unreasonable behaviour is not considered to be workplace bullying; but it may have the potential to escalate and shouldn't be ignored. The behaviour must also create a risk to health and safety. This can sometimes involve:

- dangerous acts which could harm someone
- causing a person to suffer from stress, anxiety, depression, fear or nausea.

#### What is not considered workplace bullying?

It is reasonable for managers and supervisors to allocate work and to give fair and reasonable feedback on a worker's performance. These actions are not considered to be workplace bullying if they are carried out lawfully and in a reasonable manner, taking the circumstances into account.

Examples may include but are not limited to:

## Fact sheet – Workplace bullying

- changes to rosters for legitimate operational reasons
- reasonable performance management
- modifying a worker’s duties including transferring or re-deploying the worker
- refusing a worker permission to return to work due to a medical condition.

Mine operators and workers are reminded that workplace bullying can be an offence under the *Work Health and Safety Act 2011*. An investigation may find that there has been a breach of the WHS Act and significant penalties can apply to persons conducting a business or undertaking, officers of the corporation and individuals.

Workers should also be aware that they can be held accountable for their behaviour under work health and safety laws.

## Prevention and management of bullying in the workplace

Workplace bullying is best dealt with by taking steps to prevent it from occurring and responding quickly if it does occur. Mine operators should:

- implement a comprehensive workplace bullying policy
- follow systematic four-step risk management process described in the NSW code of practice How to manage work health and safety risks should be applied to address psychosocial hazards
- Consult with workers
- implement clear reporting frameworks and processes
- provide comprehensive training to staff about the mine’s policies, policies and procedures
- provide comprehensive training to staff about building a respectful workplace behaviour
- implement early intervention strategies
- undertake independent and impartial investigations into complaints
- inform complainants about the outcome of investigations
- offer an employee assistance program (EAP)
- ensure performance management processes are clearly documented.

The Code of practice - Managing psychosocial hazards at work provides a detailed process to responding to a report of a psychosocial risk or incident.

## Reporting workplace bullying

Everyone in a workplace has a right to be safe at work. If you have experienced or witnessed workplace bullying, there are steps that can be taken within the workplace. These steps include:

- referring to the workplace policy and procedures and following the appropriate processes
- Speaking to someone you feel comfortable talking with in the workplace, or talking with supervisors, managers, fellow work colleagues or your health and safety representative
- contacting Police if you are assaulted or threatened.

## Fact sheet – Workplace bullying

Contact can also be made with the Resources Regulator by calling 1300 814 609 or by completing the [form for reporting harmful workplace behaviours](#) on the Resources Regulator’s web site.

Mine operators and workers are reminded that they are not permitted to undertake discriminatory, coercive, or misleading conduct against workers who report a WHS matter under Part 6 of the *Work Health and Safety Act 2011*. This includes reporting psychosocial risks or incidents. In addition, mine operators are reminded of their obligations to report incidents classified as a notifiable incidents pursuant to the *Work Health and Safety Act 2011* and the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*.

### Further information

See relevant guidance material and information, including:

- [Safe work NSW – Code of practice: Managing psychosocial hazards at work](#)
- [SafeWork NSW - Workplace bullying](#)
- [Resources Regulator Bullying and sexual harassment workplace](#)

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