

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.