



Australian Government

Comcare

DEALING WITH WORKPLACE BULLYING AND REQUESTING COMCARE ASSISTANCE—WORKER INFORMATION SHEET

This Worker Information Sheet provides information and guidance to workers in Commonwealth regulated workplaces about workplace bullying and what assistance Comcare can provide in these cases. Comcare assistance will depend on the circumstances of your complaint and will focus on system-based failures rather than the individual complaint.

WHAT IS WORKPLACE BULLYING?

Under the *Work Health and Safety Act 2011* (WHS Act), a Person Conducting a Business or Undertaking (PCBU) must ensure, as far as is reasonably practicable, the health and safety of workers¹.

Workplace bullying is defined as **repeated** and **unreasonable** behaviour directed towards a worker or a group of workers that creates a risk to health and safety².

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

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

Examples of workplace bullying behaviours include but are not limited to:

- > abusive, insulting or offensive language or comments
- > aggressive and intimidating conduct
- > practical jokes or initiation
- > unjustified criticism or complaints
- > setting tasks that are unreasonably below or beyond a person's skill level.

A single incident of unreasonable behaviour is not workplace bullying, however, it may be repeated or escalate and should therefore not be ignored.

IF YOU ARE FEELING DISTRESSED

Workplace bullying or workplace conflict can sometimes result in undue stress and anxiety. Talk to someone early if you are feeling distressed or not coping. You may feel overwhelmed, irritable, anxious, unable to sleep, lack concentration, or just disinterested in work. Talk to someone who can help such as your General Practitioner, line manager, human resources personnel, independent Employee Assistance Services or harassment contact officer (HCO) if appropriate. Check your internal policies and procedures to see what supports may be in place for you.

You may find further assistance through other counselling services such as [Lifeline \(13 11 14\)](tel:131114), [Beyond Blue \(1300 22 4636\)](tel:1300224636) or the [Salvation Army](#).

¹ <https://www.legislation.gov.au/Details/C2016C00887>

² <http://www.safeworkaustralia.gov.au/sites/swa/about/publications/pages/workers-guide-workplace-bullying>

WHAT CAN COMCARE DO TO HELP?

Prior to making a complaint to Comcare you should make every effort to resolve your complaint through your employer's internal HR or safety processes. If the matter remains unresolved, after you have exhausted internal avenues, you can make a request to Comcare through the WHS Help Desk at whs.help@comcare.gov.au or by telephone during business hours on **1300 366 979**. On initial contact, if Comcare is satisfied that you have taken reasonable steps to resolve your complaint internally, you will be provided with a 'Complaint of workplace bullying—summary of events' form. You will need to complete and return the form to enable Comcare to make a proper assessment of the matter.

HOW AND WHEN DO COMCARE INTERVENE?

It is not Comcare's intention to intervene in or investigate all complaints or incidents involving bullying. An intervention is more likely to occur where significant harm has occurred or where serious deficiencies exist in an organisation's work health and safety systems, which may expose workers to increased bullying complaints.

The intervention process is not designed to address individual grievances. During an intervention activity, if serious non-compliance with the WHS Act is identified, there are a range of enforcement options available to remedy this. Comcare interventions usually focus on improving systems within an organisation rather than identifying individuals who may be at fault.

Details of Comcare's enforcement options can be found in Comcare's current [Compliance and Enforcement Policy](#).

MORE INFORMATION

For more information on workplace bullying, including what does and does not constitute workplace bullying as well as your options if you believe you have been bullied at work please consult:

Comcare

- > [Mental health and wellbeing resources](#)
- > [Workplace bullying resources](#)

Safe Work Australia

- > [Dealing with workplace bullying—A worker's guide](#)
- > [Guide for preventing and responding to workplace bullying](#)

Other sources

- > [Work Health and Safety Act 2011](#)
- > [Work Health and Safety Regulations 2011](#)
- > [Fair Work Ombudsman—employee entitlements](#)
- > [Fair Work Commission—disputes at work](#)
- > [Heads Up—taking action on bullying: for employees](#)

If you have any questions or would like to know more about what Comcare can do to assist in workplace bullying or workplace conflict, please contact whs.help@comcare.gov.au or 1300 366 979.