

Workplace conflict

'read out'

Here is an example of an incident in WA.

A 16 year old apprentice started work in a furniture making factory. An older employee tried to shoot him in the leg with a nail gun as a joke but the boy ran from the room. He was later instructed to go back and collect a trolley. When he walked into the room, the older boy was successful in shooting him in the leg with the nail gun. The older boy threatened him that if he said anything to anybody, he would be shot in the head. The apprentice was not told about the factory's grievance procedure or who he should talk to if he was having a problem at work. The boy did not report the incident to management. He removed the nail from his leg himself. When his father picked him up from work that night, the boy told the father what had happened and his dad got in touch with the employer and told him what had occurred. As a result of the injury, the apprentice sustained a blood clot and muscle damage. The older boy was fired and he was prosecuted and fined \$5,000 by WorkSafe. The family also took civil action against him.

What is workplace conflict?

There are bound to be occasional differences of opinion, conflicts and problems in working relationships, these are part of working life. But when treatment of another person is unreasonable or offensive, then workplace bullying exists and should not be tolerated.

Bullying at work can be defined as repeated, unreasonable or inappropriate behaviour directed towards a worker, or group of workers, that creates a risk to health and safety. Under work safety laws, repetition is the key. You have to show that the hazard exists and therefore a pattern of behaviour is the indicator of the hazard in the workplace to be addressed. One off scenarios like assault and sexual harassment are better dealt with by the police or by the Equal Opportunity Commission.

While some workplace bullying may involve verbal abuse and physical violence, bullying can also involve subtle intimidation. Workplace bullying can be carried out indirectly, for example via letters, emails or telephone text messages. Initiation practices are also a form of bullying.

An individual or a group may instigate bullying. The term workplace mobbing is sometimes used to refer to abusive group behaviour that may include upward bullying, where a group of workers exhibit bullying behaviour towards a manager or person in authority.

What isn't workplace conflict?

A manager who lacks planning skills, is a poor communicator, is indecisive and inconsistent might cause stress to employees but this is not bullying. All employers have a legal right to direct and control how work is done, and managers have a responsibility to monitor workflow and give feedback on performance.

If a worker has obvious performance problems, these should be identified and dealt with in a constructive and objective way that does not involve personal insults or derogatory remarks. In situations where a worker is dissatisfied with management practices, the problems should also be raised in a manner that remains professional and objective.

'ask'

Q. What would some of the possible effects of bullying be on the workplace and the individual?

Possible answers: stress, anxiety, sleep disturbance, panic attacks or impaired ability to make decisions, incapacity to work, concentration problems, loss of self-confidence and reduced output and performance, depression or a sense of isolation and physical injury. The costs to an organisation include reduced efficiency, unsafe work environment, increased absenteeism, poor morale, increased workers compensation claims or civil action.

'read out'

What can you do about it?

If any form of bullying happens to you, remaining silent allows a person to continue intimidating you. If you don't say something, the harassment may get worse.

Check our workplace bullying policy and prevention and management plan and use the grievance procedure - Seek advice

Seek advice from your contact or grievance officer, safety and health representative, human resources officer or union official. You should not make allegations about bullying behaviour or harassment to people who are not involved in the handling of complaints in your workplace complaint procedure. All people are entitled to natural justice, are protected by confidentiality provisions in law and may be able to take action if the complaint is not handled properly.

Keep a record

Make a detailed record of what happened - place, date, time, people and what was said or done, date the matter was raised and with whom. Ensure that your records are accurate.

Consider approaching the bully

A decision should be made as to whether to approach the bully. Your records may assist in deciding which approach to take. An informal approach can be used to attempt to resolve bullying issues with minimal stress to both parties. However, if the bullying continues, formal procedures should be used.

Use a counselling service *(Note: mention this only if you have one in your workplace)*

Counselling may help you to develop ways of dealing with a bully or the effects of bullying.

Formal procedures involve lodging a written complaint and may be required if the informal procedures are not successful or in situations where the allegations are more serious. An independent person, or grievance officer who is not involved in the particular situation should carry out the investigation and you should be advised of the outcome. Mediation may be suggested to find a resolution that is acceptable to everyone involved.

Safety and health representatives and committees

The functions of an elected safety and health representative include liaising with workers on safety and health matters, and reporting to the employer any hazard or potential hazard to which workers might be exposed.

Safety and health representatives are able to assist you to deal with workplace bullying through the complaint procedure.

End results

The *Occupational Safety and Health Act 1984* (OSH Act) requires employers to investigate matters reported to them by employees, determine the action to be taken (if any), and notify the employee who made the report of the action to be taken.

The Act also requires employers to attempt to resolve safety and health issues with the safety and health representative, safety and health committee or workers, according to the relevant procedures for the workplace. If these procedures do not succeed, the Act sets out steps to resolve the issue.

Dealing with bullying at work may involve laws other than the OSH Act. Physical and sexual assault are criminal matters and should be referred to the police. Where bullying involves sexual or racial harassment or discrimination, the worker may lodge a claim under the *Equal Opportunity Act 1984*.

If you consider you have been dismissed as a result of making a complaint in relation to bullying, or are forced to resign due to the effects of bullying, the employee may be entitled to lodge a claim under the unfair dismissal provisions in the *Industrial Relations Act 1979*. The *Public Sector Management Act 1994* governs the behaviour of public sector employees, and bullying can be a breach of the *Western Australian Public Sector Code of Ethics*.

'ask'

Q. Before I finish, is there anything that you can identify that we could be doing better in this workplace to combat bullying?

Take notes about any suggestions...don't panic if there aren't any takers.

'read out'

OK, unless anyone has any questions, thanks for listening to me.

A2397940