

2010 Article Two:

Workplace Bullying – a major business issue!

What you don't believe it?

What about the recent payout of \$220,000 in fines awarded against Café Vamp.

Workplace bullying is one of the 'hot issues' in today's workplace. It is one of the most challenging issues employers have to proactively manage to minimise the risk of workplace bullying behaviour and culture occurring in the workplace.

In February 2010, the Victorian Magistrates Court fined Café Vamp \$220,000 as a result of workplace behaviour that resulted in a waitress committing suicide. This incident highlights the significant risks associated with not effectively managing bullying and harassment in the workplace.

The owner pleaded guilty to failing to provide and maintain a safe working environment

Bullying is repeated unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety. Whereas harassment, is a single incident of unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety.

Providing a safe workplace – which includes eliminating workplace bullying and harassment, is an integral part of any employer's organisational OH&S commitments. OH&S laws place employers under a general duty to provide and maintain, so far as is practicable, a working environment that is safe – this includes both the physical and psychological health of employees. Employers also have a duty to monitor the health of employees and workplace conditions.

The best way for employers to address workplace bullying and harassment is to take proactive steps to minimise an incident occurring before it becomes a health and safety risk.

However, if an incident is brought to the employer's attention, it is critical that there are adequate policies and procedures in place that clearly set out the employees options of how they can have the matter addressed with procedural fairness and natural justice to all parties. It is critical that the options and methods that the employer will utilise to address the issues are set out clearly.

The three major ways of addressing bullying and harassment in the workplace are primarily through:

- Direct Approach
- Mediation / Facilitated discussion involving an independent third party
- Investigation.

Quite simply, the moral of this article is that prevention is the key to minimising the risk of bullying and harassment occurring in the workplace. It is simpler; better for all employees; and for the overall business.

So, if you have not put in place your risk management strategy to minimise the risk of bullying and harassment occurring in your workplace, don't wait until it's too late. It is an investment that is well worth your time and effort for all!

For further information and practical support in addressing workplace bullying and harassment in the workplace, contact Debbie Sonin, from D.K.Sonin & Associates at debbie@dksonin.com.au or phone her for a confidential consultation on 0413 145 925.