# Know Better, Be Better – Frequently Asked Questions

## What if a temporary staff member or consultant is bullying or harassing staff or myself? Who do I report it to?

If *anyone* acts inappropriately in the workplace, you should report it as per your workplace’s policies and procedures. Reporting can be formal (such as reporting to human resources) or informal (such as a private discussion with your manager).

Your organisation is responsible for everyone’s health and safety while they are at work, meaning management should take action in response to complaints of bullying or harassment regardless of who the report is against. Equally, employees should be trained in and must follow the bullying, harassment and inappropriate behaviour policies and procedures of the organisation they are working in.

Workplace bullying or harassment does not have to be obvious to cause harm, so it’s important this behaviour is not normalised and accepted.

## Where can I go if my manager is the problem?

If your direct leader is behaving inappropriately, **talk to someone and seek advice.** This could be their manager, human resources, the employee assistance program, your health and safety representative, union or professional association representative, [WorkSafe Victoria’s Advisory Service](https://www.worksafe.vic.gov.au/contact) or the Fair Work Commission.

* **Check your workplace’s bullying or harassment policy.** This sets out the standard of behaviour that needs to be followed at work and should list how and where to report issues. Your manager or human resources contact can provide you with your organisation’s policies and procedures on workplace bullying or harassment.
* **If you feel confident and safe, you may wish to raise the issue yourself.** You can do this by directly telling the other person that their behaviour is not welcome. Calmly and politely explain that it's not OK to treat you this way. It's possible the person is unaware that what he or she is doing is upsetting you and will apologise. If the behaviour continues or gets worse, you should make a formal report.
* **Report workplace bullying.** Refer to your organisation’s bullying policy and procedure for information on how and where to make a report.
* **Consider contacting police.** If your allegation involves assault or threats of assault, acts of violence, sexual assault, damage to property or stalking, you should contact Victoria Police. Contact your local station or call 000 if it is an emergency.
* **Consider reporting to WorkSafe.** WorkSafe's Advisory Service can provide information on bullying and how to prevent it, advice on how to raise the issue of bullying in your workplace or refer the matter to a WorkSafe inspector (where appropriate).
* **Consider applying to the Fair Work Commission** who can issue an order to stop the bullying.

## Who will find out if I put in a complaint?

If you make a complaint to your health service, they have a responsibility to take action to investigate the allegations and maintain confidentiality. Limited details may need to be shared in some circumstances, for example, where someone is at immediate risk. The human resources department in your organisation should be able to provide you information on who will be able to know the details of your complaint, based on internal policies and procedures. There should be privacy requirements to protect you.

Once the employer knows about a risk, they have an obligation to act in order to maintain a safe workplace for all employees. Review your internal prevention of workplace bullying policy to see how your workplace will respond to a report of witnessing alleged workplace bullying. If an employer proposes to take disciplinary action against a person, that person has a right to respond to each of the allegations put against them.

## Why was my WorkCover claim accepted but you say you couldn’t find bullying?

Your WorkCover claim is assessed under the *Workplace Injury and Rehabilitation and Compensation Act 2013* (Vic) (WIRC Act), which requires WorkSafe to consider whether you have sustained an injury in the course of your work.

WorkSafe can separately investigate allegations of workplace bullying under the *Occupational Health and Safety 2004* (Vic) (OHS Act) and determine whether your employer or a colleague has breached their obligations under the OHS Act. For example, your employer might have, so far as is reasonably practicable, failed to maintain a working environment that is safe and without risks to your health.

Therefore, it is possible that WorkSafe will be unable to find sufficient evidence to support an allegation of bullying under the OHS Act, but will accept your WorkCover claim because they make a determination that you have suffered an injury in the course of your work under the WIRC Act.

## What can WorkSafe do if I call them?

WorkSafe's Advisory Service is available on 1800 136 089 from 8:30am to 5:00pm, Monday to Friday. When you call this number, a WorkSafe Advisor will ask you a series of questions. This will include questions on whether the individual experiencing the bullying or harassment is under the age of 21, a work visa holder, a person with a disability, or threatening harm to themselves or others.

The WorkSafe representative will then consider your information and decide the best course of action, which may include:

1. Advising you of your right to make a formal complaint to WorkSafe;
2. Referring your matter to WorkSafe’s Inspectorate for investigation; or
3. Advising you to contact the police.

If the matter is referred to WorkSafe’s Inspectorate, they can:

* Contact you to obtain and clarify details of your allegation, including what (if anything) occurred at the workplace when you raised the incident/s (if relevant), the names and contact details of any witnesses, and what you believe each witness may be able to provide to support the allegation;
* Make enquiries at the relevant workplace about the allegations, including what steps (if any) were taken by the employer in response and the outcome of these steps;
* Contact the witnesses;
* Make enquiries as to the existence and adequacy of procedures at the workplace to manage workplace bullying issues; and
* Obtain relevant documents or other evidence.

## If you witness someone is being bullied, what actions can you take?

There are several ways you can respond if you witness bullying at work, depending on how safe you feel to intervene.

Here are some suggestions:

* **Call out bad behaviour:**If you feel comfortable, say something to the person showing bad behaviour or report the behaviour to your manager or your human resources contact. Make it clear that you won’t be involved in behaviour that bullies others.
* **Don’t join in:**Don’t encourage inappropriate behaviour by laughing along or giving silent approval as this makes the problem worse. Similarly, do not spread gossip about others verbally, on social media or via email.
* **Do something supportive:**Support the person who is experiencing behaviour that may be bullying. This could be something simple like asking if they are OK or offering them information on where to get support such as sharing with them the organisation’s bullying policies.
* **Seek help:**If speaking up doesn’t resolve an issue, you may need to take further action. Suggest the person experiencing the bullying approach their manager, human resources contact, employee assistance program, health and safety representative, union or professional association representative, WorkSafe Victoria’s Advisory Service or the Fair Work Commission.

If workplace bullying involves assault or threats of assault, sexual assault, damage to property or stalking, you should contact Victoria Police.

## Can a one-off incident constitute harassment?

A one-off incident, such as an insulting joke about a particular racial group, can constitute harassment. Employers should respond quickly to any reported incidents of harassment in accordance with the organisation’s policies and procedures.

## My colleague makes comments about my race but is well connected with my manager and works in the human resources area at my organisation. Where can I make a complaint?

Comments about a person’s race can be harassment. Harassment can be against the law when a person is treated less favourably on the basis of particular attributes, including race.

Incidents of harassment, whether direct, indirect, obvious or subtle, should be reported. If you feel you are unable to make a complaint to your manager, you can make a complaint to other senior staff or a human resources representative according to your organisation’s complaints policy and procedures. You can also make a complaint to the Victorian Equal Opportunity and Human Rights Commission or the Australian Human Rights Commission.

## How can the Victorian Equal Opportunity and Human Rights Commission and the Australian Human Rights Commissions assist me?

Both the Victorian Equal Opportunity and Human Rights Commission and the Australian Human Rights Commission can assist in resolving complaints of discrimination and harassment, including sexual harassment, through a process of Conciliation. This is an informal, free and confidential process that allows people to explore ways of resolving their dispute by mutual agreement.

The Victorian Equal Opportunity and Human Rights Commission can be contacted on 1300 292 153 and a complaint form can be accessed via [www.humanrightscommission.vic.gov.au/make-a-complaint](http://www.humanrightscommission.vic.gov.au/make-a-complaint).

For more information on the Australian Human Rights Commission complaints process visit <https://www.humanrights.gov.au/complaints/make-complaint>. Their National Information Service can be contacted on 1300 656 419 or 02 9284 9888.

## What should I do if a colleague tells me they have been sexually harassed?

There are a number of things you can do to support a colleague who tells you they have experienced sexual harassment. This includes giving them an opportunity to tell you what has happened and assisting them to find information on how to make a complaint and access appropriate support.

For more information see <https://www.humanrightscommission.vic.gov.au/discrimination/sexual-harassment>.

You can also suggest that they seek support and advice from:

* **Victoria Police:** allegations of threats or actual physical or sexual assault or stalking should be referred to Victoria Police. Contact the local station or call 000 if it is an emergency.
* **The Centre Against Sexual Assault** helps to ensure that people who experience sexual assault have access to support. They offer an after-hours crisis line and 15 local offices. Visit [www.casa.org.au](http://www.casa.org.au) or call the [Sexual Assault Crisis Line](http://www.sacl.com.au/) (Victoria) on 1800 806 292.

## I was just having a joke – can that be considered sexual harassment?

Sometimes people tell jokes not realising they can be insulting and unwelcome, or understanding the negative impact they can have on someone. Suggestive comments or jokes can be sexual harassment. If there are doubts about the appropriateness of a joke, it is best not to say it.

## I want to speak up about bullying and harassment, but what should I say?

If you are experiencing bullying or harassment, or you witness bullying or harassment, you can talk to the person directly, if you feel confident and safe to do so. The other person may not realise the effect their behaviour is having on you or your colleagues and this may give them the opportunity to change their behaviour.

Examples of what you can say if you have experienced bullying or harassment include:

### Bullying

“*When the unit is busy you often raise your voice at me and this makes me feel very uncomfortable. I would ask that you don’t continue to talk to me in that way*.”

“*In the team meetings I feel that you continually ignore what I say and talk over me. I would like to contribute to the discussions, but you make it very difficult*.”

### Harassment

“*That remark you made about that way I look made me feel embarrassed and I would like you to stop making those comments*.”

If you have witnessed an incident of bullying or harassment you can say something privately to the person about their behaviour.

Examples of what you can say include:

“*What I witnessed you saying to that person is inappropriate and you should think about what you say and the impact that it has on people*.”

*“I think that it is a good time to take a break and reflect upon what I just heard you say/what I just saw you do’.*

*“Gossiping about that person needs to stop, we all deserve to be treated with respect at work and gossiping can be hurtful.”*

*“I have often seen you touching that person’s shoulders and they look very uncomfortable, it is not behaviour that is accepted, and you should stop*.”

## What supports are available for assistance?

It’s important to get the right help and, depending on your situation, it might be appropriate for you to seek guidance internally or from another organisation.

Internal support options include speaking to a supervisor or manager, a health and safety representative, a human resource contact, an equal employment opportunity officer or a union representative. If your health service is part of the independent facilitator trial, you can contact the [independent facilitator.](https://bettersafercare.vic.gov.au/if)

You can also seek support and advice from external organisations including:

* **WorkSafe Victoria’s Advisory Service** provides information on workplace bullying, including advice on how to raise the issue in your workplace or refer the matter to an inspector (where appropriate). Visit [www.worksafe.vic.gov.au](http://www.worksafe.vic.gov.au) or call 1800 136 089.
* **Fair Work Commission:** a worker who reasonably believes that he or she has been bullied at work can apply to the Fair Work Commission for an order to stop the bullying. Visit [www.fwc.gov.au/disputes-at-work/anti-bullying](http://www.fwc.gov.au/disputes-at-work/anti-bullying) or call 1300 799 675.
* If you feel you have been [sexually harassed](https://www.humanrights.gov.au/our-work/sex-discrimination/guides/sexual-harassment), harassed or discriminated against based on sex, disability, race or age you can contact either [the Victorian Equal Opportunity and Human Rights Commission](https://www.humanrightscommission.vic.gov.au/discrimination/sexual-harassment) (1300 292 153) or the [Australian Human Rights Commission](https://www.humanrights.gov.au/our-work/sex-discrimination/guides/sexual-harassment) (1300 656 419). Complaints must be made in writing or by email by [downloading a complaints form](https://www.humanrights.gov.au/complaints_information/lodging.html#form) or completing the [online complaint form](https://www.humanrights.gov.au/complaints_information/online_form/index.html).
* **Trade unions** and **industry associations** can also provide advice on workplace bullying.
* **Lifeline** offers a 24-hour confidential phone service providing emotional support in times of crisis or when callers may be feeling down. Visit [www.lifeline.org.au](http://www.lifeline.org.au) or call 13 11 14.
* **Beyondblue** provides people with access to information for depression and anxiety related matters. Visit [www.beyondblue.org.au](http://www.beyondblue.org.au) or call 1300 224 636.
* **Victoria Police:** allegations of actual or threatened physical or sexual assault, damage to property or stalking should be referred to Victoria Police. Contact your local station or call 000 if it is an emergency.
* **The Centre Against Sexual Assault** helps to ensure that people who experience sexual assault have access to support. They offer an after-hours crisis line and 15 local offices. Visit [www.casa.org.au](http://www.casa.org.au) or call the [Sexual Assault Crisis Line](http://www.sacl.com.au/) (Victoria) 1800 806 292