

# Bullying and Harassment Claims High in Local Government

**Date :** August 21, 2018

Safe Work Australia have identified that local government employees are the third most represented group when it comes to compensation claims for Workplace Bullying and Harassment.

For the three years to 2016, approximately 190 local government employees received compensation for workplace bullying and harassment a year.

Bullying and harassment can take varying forms. It can be subtle or take the form of more overt behaviour.

## What is Workplace Bullying and Harassment?

Bullying at work, as defined by the *Fair Work Act 2009*, occurs when:

- a person or a group of people behaves unreasonably and repeatedly towards a worker or a group of workers while at work; and
- the behaviour creates a risk to health and safety.

However, bullying does not include reasonable management action carried out in a reasonable manner.

## Wollondilly Shire Council

David Wilson aged 61 years, plant operator, took his own life the same day that he was informed that his most recent complaint was found to be unsubstantiated.

It is alleged that Mr Wilson was the recipient of frequent behaviour that constituted bullying and harassment. The conduct included a co-worker touching his injured shoulder and scribing his telephone number on the inside of a toilet door.

During the course of his employment at the Council, Mr Wilson had made numerous verbal and written complaints concerning bullying and harassment in the workplace, Mr Wilson also kept written diaries on the conduct he was experiencing dating back to 2008.

## Tips for Councils:

The issues confronting Councils concerning bullying and harassment in the workplace highlights the need for Councils to:

- ensure that mechanisms are in place which allow employees to report any bullying or harassment in the workplace and ensure these mechanisms are in line with workplace

law;

- ensure adherence to Council code of conduct and disciplinary policies and proceedings as may be relevant;
- ensure that any allegations of bullying and harassment are appropriately dealt with through an independent investigator;
- ensure they have up to date bullying and harassment policies in place, which are in line with workplace law; and
- train Council staff in relevant workplace policies and procedures relating to bullying and harassment in the workplace.
- Look out and respond to signs of bullying in the workplace before it reaches a critical level that exposes Council's to legal action, loss of morale and reputational damage.

### **Questions / Assistance**

If you have any questions in relation to the matters set out above, please contact one of our specialist employment lawyers on (02) 9635 7966 or [info@matthewsfolbigg.com.au](mailto:info@matthewsfolbigg.com.au).

### **Disclaimer**

This article is provided to clients and readers for their general information and on a complimentary basis. It contains a brief summary only and should not be relied upon or used as definitive or complete statement of the relevant workplace law.