

BLP BRIEF

Bullying in the School Workplace

March 2018

By Tyson Brennan

As a Principal, you are responsible for managing large numbers of people; staff, students, parents and community members. You are responsible for their wellbeing whilst at school and undertaking school activities. What, therefore, are your responsibilities when it comes to protecting those people, particularly staff members, from bullying in the workplace?

What is bullying?

Workplace bullying is characterised by persistent and repeated negative behaviour directed at an employee, or group of employees, that creates a risk to health and safety.

To constitute 'bullying' in the workplace the behaviour:

- Must be repeated. A one-off remark or action will not constitute bullying, though may be another offence;
- Must create a risk to health and safety;
- Must do more than just make someone feel upset or undervalued at work; and
- Must be at work.

Examples of bullying:

- behaving aggressively, verbal abuse, abusive language, yelling and screaming
- teasing or repeated practical jokes
- pressuring someone to behave inappropriately
- excluding, isolating or marginalising from work-related events
- unreasonable work demands, assigning meaningless tasks
- failing to give credit for someone else's work.

Brodie's Law

The case of Brodie Panlock put the spotlight on workplace bullying in Victoria after she took her own life following relentless bullying. Brodie's Law makes serious bullying a criminal offence by extending the application of the stalking provisions in the Crimes Act 1958 to include behaviour that involves serious bullying. This crime is punishable by up to 10 years in jail.

Who is protected?

Full time, part time and casual staff, students gaining work experience, contractors or subcontractors and volunteers.

The Bully

It is important to remember anyone, given the right circumstance, has the capability to be a bully. It is commonly a senior member bullying a junior member of staff but it may also be between employees. Bullies can be nice people and good staff members.

The cost of bullying

Bullying is taxing for the victim but also for your school. For the victim it can impact their health and safety affect their ability to do their job. Injuries and illnesses may include anxiety, depression, social phobia and stress conditions.

For the school community it can mean loss of productivity, increased staff turnover, absenteeism, and low morale.

Bullying and my school: What can I do?

Your duty as Principal

As Principal, you owe a duty of care to all staff members to ensure that you take reasonable care to manage and maintain their safety at work.

The *Occupational Health and Safety Act* requires that you:

- Proactively identify safety risks to all staff members;
- Eliminate (or reduce) so far as is reasonably practicable, risks to the health and safety of employees;
- Take reasonable care for the health and safety of persons who may be affected by their acts or omissions at a workplace.

Be Proactive

Identify what behaviour is appropriate in the school community.

Your school should have clear, accessible and up-to-date policies regarding what behaviour is and is not acceptable within your school. All staff members should be made aware of these policies and any action taken by you should reflect the policies.

It may be useful to create a position that any inappropriate behaviour will not be tolerated in the school community, whether or not it constitutes as bullying.

Create a bully-free culture in your school.

This begins with you and the leaders of the school modelling proper behaviour. Simple gestures include sitting equally with staff in meetings, and reminding staff of appropriate behaviour before social events.

Act promptly

It is important to act on any report or witnessing of bullying. Ensure that you discuss the matter with all relevant parties and take steps to put an end to the bullying behaviour quickly.

In summary:

- Workplace bullying has the capacity to harm individuals.
- It is unlawful.
- It can expose individuals to personal liability.
- There is no excuse.
- The implications can be Workcover Claims, OHS Breaches, Negligence breaches and criminal prosecutions. Bullying can also have a negative effect on the school and your reputation.
- Every school should have a policy on bullying that is regularly made accessible to staff (for example emailed before social events as well as available on intranet). This policy

should be updated as appropriate and be effectively implemented with regular training.

- It is your responsibility to demonstrate that complaints are dealt with appropriately.
- Be vigilant. A policy is only of value if it is consistently updated and utilised.

How can Brennan Law Partners Assist

If you are unsure about your policy on bullying, or have a concern about a particular staff member, please feel free to contact us at any time so that we can assist you with developing an appropriate strategy.



Tyson Brennan
Principal

tyson.brennan@brennanlawpartners.com.au
0434 942 550