



The Pharmacy
Guild of Australia

Tasmania

AVOID THE HASSLE OF BULLYING AND HARASSMENT CLAIMS - BE PROACTIVE

from Greg Luckman, Branch Director

There is an easy way to avoid getting into this difficulty – be proactive and make sure that you deal with any bullying or harassment complaints quickly and effectively.

There have been a number of articles published recently about the introduction of new anti-bullying laws under the jurisdiction of the Fair Work Commission. The changes provide for employees to report cases of bullying to the Fairwork Commission and the Commission is obliged to investigate. There is an easy way to avoid getting into this difficulty – be proactive and make sure that you deal with any bullying or harassment complaints quickly and effectively.

The new provisions were introduced from 1 January 2014 and apply where the employer is a “constitutional corporation”, that is where the employees are employed directly by the company owning the pharmacy. Those pharmacies where the ownership of the business is held by a sole trader or a partnership are not subject to the new law but are still responsible for protecting their staff under existing workplace health and safety laws.

Bullying and harassment is a significant issue for business. Complaints that are not addressed or are handled poorly can result in significant psychological damage to victims and can lead to substantial costs to the business, not to mention the time and expense of legal proceedings that may result.

**Be proactive – protect your staff and your business.
Have an anti-bullying policy and use it.**

Every business should have an anti-bullying and harassment policy which includes a procedure that sets out how complaints of harassment and bullying will be dealt with.

The reason for having an anti-bullying policy is that it makes clear to all staff what sorts of behavior will not be tolerated and its consequences.

If you have a policy, make all new staff aware of the policy and remind existing staff of its contents regularly. Make sure that staff understand the policy and the process to be followed if they believe that they are being bullied. If you do not have an existing policy, contact the Tasmanian Branch office for assistance.

What happens if someone complains to the Fair Work Commission?

The Commission is a tribunal, and is required to hear from all relevant parties before making any orders. It does not conduct investigations into allegations of bullying at work.

The Commission can make an order to prevent a worker being bullied at work, if the Commission is satisfied that:

- the worker has been bullied at work by an individual or group of individuals, and
- there is a risk that the worker will continue to be bullied at work by that same individual or group.

The Commission can only make an order if there is a risk that the worker will continue to be bullied at work by the particular individual or group. Orders cannot be made where the worker is no longer working at the workplace where the alleged bullying occurred or if the bullying is no longer occurring.

One final note - It's more than one

The changes to the legislation also make it very clear that reasonable management action undertaken in a reasonable manner does not constitute bullying. Bullying should not be confused with:

- legitimate instruction(s) and/or requests by management, or other staff;
- constructive comments made in relation to an individual's work performance, behaviour and/or attitude;
- reasonable action and/or comments made during performance reviews;
- reasonable action and/or comments made during a disciplinary meeting.

Every pharmacy must have Workplace Health and Safety policies and procedures. The Anti-Bullying and Harassment policy should be to be part of that – make sure that all staff are aware of it.

Greg Luckman

Branch Director, Tasmania
Pharmacy Guild of Australia

Email: greg.luckman@guild.org.au

Phone: 6220 2955 Mobile: 0438 315 199

FIVE STEPS TO AVOIDING BULLYING AND HARASSMENT CLAIMS:



1. *develop and implement policies on anti-bullying and harassment*
2. *promote a workplace culture that does not encourage or tolerate bullying and harassment*
3. *educate the workforce (including contractors) as to appropriate workplace behaviour*
4. *investigate allegations properly if they do arise*
5. *act promptly once the investigation has decided whether the conduct occurred*

“A clever person solves a problem. A wise person avoids it.” Albert Einstein