



Navigating Workplace Bullying:

Raising a Complaint With Your Employer

BELL & CO

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Workplace bullying is a problem in New Zealand. The effects of bullying are far-reaching, impacting employee’s physical and mental health, and negatively impacting the culture of an organisation.

Workplace bullying can contribute to a hostile environment, resulting in employees working while sick, taking more sick leave, or leaving to seek employment elsewhere. In workplaces where physical safety is critical, poor mental or physical health may increase the potential of accidents.

Under s30 of the Health and Safety at Work Act 2015, employers must eliminate all risks to health and safety so far as is reasonably practicable. If it is not reasonably practicable to eliminate all risks to health and safety, the employer must minimise the risk. As it places an immediate risk to the health and safety of employees, bullying within the workplace is covered under this Act.

If you think you are being bullied at work, this short guide offers some suggestions for

raising the issue with your employer and finding a resolution.

01

Collect information

Collect information to do with the incidents.

- Note the date, time, place and what occurred.
- Detail whether there were any witnesses.
- Recall whether you talked to anyone about the incidents.

Consider whether those incidents constitute bullying

Bullying is defined by WorkSafe as:

“repeated and unreasonable behaviour towards a worker or group of workers that can cause physical and psychological harm”.

This is persistent behaviour that an ordinary person would think abnormal. The concept of workplace bullying has developed over time to now recognise a wide range of behaviour, including direct and indirect conduct.

Think about whether the incidents you have recorded are evidence of workplace bullying, in light of the definition of bullying and the table below.

Signs of workplace bullying:

Direct personal attacks

- Belittling remarks
- Attacking personal beliefs or attitudes mediation.
- Being shouted or yelled at
- Humiliation
- Exclusion or isolation

Indirect task-related attacks

- Unachievable tasks, being ‘set up to fail’
- Constant criticism
- Unreasonable or inappropriate monitoring
- Making hints or threats about job security
- Forced or unjustified disciplinary hearings.

Workplace bullying is not:

- One-off or occasional instances of forgetfulness, rudeness or tactlessness
- Setting high-performance standards
- Constructive feedback and legitimate advice or peer review
- A manager requiring reasonable verbal or written work instructions to be carried out
- Warning or disciplining workers in line with the business or undertaking’s code of conduct
- A single incident of unreasonable behaviour
- Differences in opinion or personality clashes that do not escalate into bullying, harassment or violence.

03

Seek advice and support

It is easy to negatively view distressing moments, and it can seem unclear what constitutes as bullying. For this reason, it often pays to consult with people who can bring objectivity to the conversation.

Talk with a trusted friend or colleague and ask them to run through the Step 2 process.

Getting advice from an employment lawyer at this stage may also be beneficial as they can help to clarify the issue. It is also important to seek emotional support through friends and family.

If, as a result of possible bullying, you are worried that stress or an underlying health condition is impacting your work performance, it may be beneficial to discuss your stress or health condition with your manager. There may be things they can do to accommodate you.

04

Check internal policies

Find out if there are any workplace policies or processes for reporting bullying and follow them. If these exist, there may be trained personnel in your workplace who will help you deal with the issues in a sensitive way.

05

Report the incidents to your employer

You can either report the incident to your employer informally or formally.

Informal reporting can consist of having a confidential conversation with your employer or providing them with an email or letter detailing:

- What happened (including date, time, who was present, who did what);
- How the behaviour makes you feel;
- How the behaviour affected your work;
- Any actions you have taken, and;
- Any actions you would like to see taken.

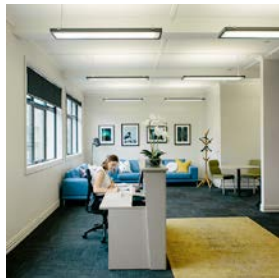
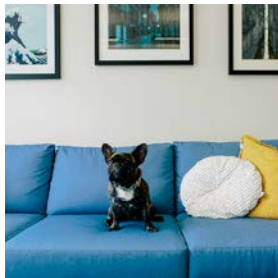
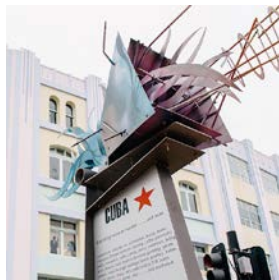
If you wish to make a formal complaint, you should do it in writing and include, in addition to the above list:

- Why the behaviour is unreasonable;
- Whether the behaviour has been repeated; and
- How the behaviour has endangered your health and safety.

Once your employer has been notified of your concerns, they should investigate and consider whether any disciplinary action is required.

In addition to investigating, your employer should:

- Take reasonable steps to protect you;
- Ensure that you are supported;
- Ensure that privacy is maintained;
- Inform you if any interim measures will be applied (including suspension); and
- Give guidance as to how you and the person you have complained about should respond to one another.



About Us

Bell & Co is a boutique dispute resolution firm. We've led extensive restructures for clients and acted on behalf of disadvantaged employees.

This guide is not a replacement for good advice. At Bell & Co, we can offer advice from both a human resource and legal point of view.

If you have further concerns or questions, regarding requesting flexible working, please don't hesitate to get in contact with Bell and Co at **04 499 4014**.



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