

## Best practice guidelines to prevent bullying

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In February 2014 Worksafe New Zealand released its best practice guidelines for preventing and responding to bullying in the workplace.

Bullying in the workplace is an issue that many employers find difficult to deal with. There are issues in dealing with both the victim and the alleged bully. Bullying is prevalent in New Zealand's workplaces, and affects personal health and business productivity. A bully may also constitute a workplace hazard and therefore Health and Safety legislation is relevant, with the resulting risks of prosecution.

There has to date been little assistance in the legislation or case law as to how to deal with this problem. The aim of the guidelines is to fill the gap, and to help both employers and employees to manage and solve issues of bullying.

The guidelines are a thorough resource. They begin by adopting the following definition of bullying:

Workplace bullying is repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety.

The guidelines then go through a number of issues for employers and employees. They describe bullying behaviours, both in personal attacks and task related bullying. They give guidance to employers and employees, including a section on bullying prevention, and how to deal with reports of bullying.

### Information for Employers

Employers have a duty under the Health and Safety in Employment Act 1992 to control hazards that may harm their staff. Failure to do this can result in criminal charges under the legislation. In addition, failure to manage or prevent bullying could attract liability under the Human Rights Act 1993 or the Employment Relations Act 2000 by breaching the employer's duty of good faith.

The guidelines therefore provide examples of systems and policies which an employer can implement to both prevent and manage bullying.

The underlying emphasis for employers is to create a respectful working environment that maintains good working relationships. It focuses on nurturing strong and well trained managers capable of dealing with allegations of bullying effectively.

Examples of bullying best practice include:

- Educating staff about bullying to raise awareness of their roles and responsibilities while making the consequences of bullying clear.
- Providing a designated contact person and external support.
- Employing staff members who understand the business's culture, while using recruitment techniques that avoid hiring bullies.

### Information for Employees

The guidelines also provide helpful flowcharts so that employees who think they are being bullied can assess what actions are possible and the best step to take next.

Underlying this idea is the fact that not all perceived bullying will amount to bullying under the guidelines. Examples of what is not bullying includes:

- One off occasions of rudeness or tactlessness.
- A single incident of unreasonable behaviour.
- Warning or disciplining employees in line with the workplace's code of conduct.

The guidelines recommend that employees start with low key solutions such as talking to a trusted friend or informally addressing the bully. If these actions are unsuccessful then escalating the problem to a manager or Human Resources is recommended.

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### Useful tools for Employers

To help employers create a bully free environment the guidelines have included a number of sample policies. These include templates for healthy work and notification of undesirable behaviour as well as sample bullying policies.

The guidelines can be found on Worksafe's website: [www.business.govt.nz/worksafe](http://www.business.govt.nz/worksafe) The site also includes many helpful tools including flowcharts, calculators and assessments.

If you would like more information regarding the above, or have any questions, please contact us.

*This note gives a general overview of the topics covered and is not intended to be relied upon as legal advice.*