Bullying & harassment

Everyone has the right not to be bullied or harassed at work.

Find general information here about:

- What is bullying?
- What isn’t bullying?
- How is bullying different from discrimination?
- Who is protected from bullying in the workplace?
- Where to get help

What is bullying?

A worker is bullied at work if:

- a person or group of people repeatedly act unreasonably towards them or a group of workers
- the behaviour creates a risk to health and safety.

Unreasonable behaviour includes victimising, humiliating, intimidating or threatening. Whether a behaviour is unreasonable can depend on whether a reasonable person might see the behaviour as unreasonable in the circumstances.

Examples of bullying include:

- behaving aggressively
- teasing or practical jokes
- pressuring someone to behave inappropriately
- excluding someone from work-related events or
- unreasonable work demands.

What isn’t bullying?

Reasonable management action that's carried out in a reasonable way is not bullying.

An employer or manager can:

- make decisions about poor performance
- take disciplinary action
- direct and control the way work is carried out.

Management action that isn't carried out in a reasonable way may be considered bullying.

How is bullying different to discrimination?


Adverse action includes firing or demoting someone because of a person's characteristics, like their race, religion or sex.

Bullying at work happens when:

- a person or group of people repeatedly act unreasonably toward a worker or a group of people workers
- the behaviour creates a risk to health and safety.

This behaviour doesn't have to be related to the person (or group’s) characteristics. Adverse action doesn’t have to have happened.

Who is protected from bullying in the workplace?

The national anti-bullying laws cover most workplaces (or those that are constitutionally covered businesses). These laws also cover:

- outworkers
- students gaining work experience
- contractors or subcontractors
- volunteers.

The Fair Work Commission (the Commission) is the national workplace relations tribunal that deals with anti-bullying claims under the Fair Work Act. To find out whether you're covered by the national anti-bullying laws, visit the Commission's website.

Not covered by these laws? Each state or territory has a workplace health and safety body that can provide advice and assistance about workplace bullying. For contact information, go to our list of workplace health and safety bodies.

Source reference: Fair Work Act 2009 s.789FA – 789FI

Where to get help

For employees

In the workplace

If you think bullying or harassment has happened at your workplace, you can talk to:

- a supervisor or manager
- a health and safety representative
- the human resources department
- a union – visit the Unions and employer associations page to find registered unions in your industry.

Fair Work Commission

If you're still employed, you can take action with the Commission. You can apply to the Commission to stop bullying by:

- taking the Commission's eligibility quiz
- if you're eligible, lodging your application with the Commission.

You can get free legal advice (if eligible) about stopping bullying from the Commission's Workplace Advice Service. You can also get our assistance if:

- you have an order from the Commission to stop bullying in the workplace
- the order hasn't been followed.

Find out how to contact us.

Other bodies

You can also take action by contacting your state or territory workplace health and safety body. They can provide:

- advice and assistance about workplace bullying
- appropriate referrals to other bodies.

There are also national bodies that may be able to help including the Australian Human Rights Commission (AHRC). The AHRC accepts complaints of workplace bullying, harassment or discrimination based on a person's race, sex, age, sexual orientation, religion or disability under federal laws. The AHRC uses conciliation between parties to reach a resolution.

For employers

Fair Work Commission assistance

To learn more about the Fair Work Commission's role in dealing with complaints of bullying at work, download their Anti-bullying
Performance management


Preventing bullying at work


Discrimination


You might also be interested in


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