

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.

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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.

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How is bullying different to discrimination?

Discrimination happens when there's '[adverse action \(www.fairwork.gov.au/Dictionary.aspx?TermID=2092\)](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2092)'.

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.

Find out more about discrimination on the [Protections from discrimination at work page \(www.fairwork.gov.au/employee-entitlements/protections-at-work/protection-from-discrimination-at-work\)](http://www.fairwork.gov.au/employee-entitlements/protections-at-work/protection-from-discrimination-at-work).

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Who is protected from bullying in the workplace?

The national anti-bullying laws cover most workplaces (or those that are [constitutionally covered businesses \(www.fairwork.gov.au/Dictionary.aspx?TermID=2155\)](http://www.fairwork.gov.au/Dictionary.aspx?TermID=2155)). 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 \(https://www.fwc.gov.au/\)](https://www.fwc.gov.au/) .

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 \(www.fairwork.gov.au/website-information/related-sites#workplace-health-and-safety\)](http://www.fairwork.gov.au/website-information/related-sites#workplace-health-and-safety) .

Source reference: [Fair Work Act 2009 s.789FA – 789FI \(http://www.comlaw.gov.au/Details/C2009A00028\)](http://www.comlaw.gov.au/Details/C2009A00028) .

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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 \(www.fairwork.gov.au/Website-information/Related-sites/unions-and-employer-associations\)](http://www.fairwork.gov.au/Website-information/Related-sites/unions-and-employer-associations) 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](https://www.fwc.gov.au/disputes-at-work/anti-bullying/eligibility) .
- if you're eligible, [lodging your application with the Commission](https://www.fwc.gov.au/disputes-at-work/anti-bullying/forms-fees#field-content-2-heading) .

You can get free legal advice (if eligible) about stopping bullying from the Commission's [Workplace Advice Service](https://www.fwc.gov.au/resources/where-get-legal-advice/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 \(https://www.fairwork.gov.au/contact-us/default\)](https://www.fairwork.gov.au/contact-us/default) .

Other bodies

You can also take action by contacting your [state or territory workplace health and safety body \(https://www.fairwork.gov.au/website-information/related-sites#workplace-health-and-safety\)](https://www.fairwork.gov.au/website-information/related-sites#workplace-health-and-safety) . 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 \(AHRC\) \(https://www.humanrights.gov.au/\)](https://www.humanrights.gov.au/) . The Australian Human Rights Commission 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](#)

[guide \(https://www.fwc.gov.au/documents/documents/factsheets/Guide_antibullying.pdf\)](https://www.fwc.gov.au/documents/documents/factsheets/Guide_antibullying.pdf) 

Small businesses can get free legal advice (if eligible) from the Commission's [Workplace Advice Service](https://www.fwc.gov.au/resources/where-get-legal-advice/workplace-advice-service)  (https://www.fwc.gov.au/resources/where-get-legal-advice/workplace-advice-service) .

Performance management

Action carried out by a manager in a reasonable way isn't bullying. For information on how to take reasonable management action to make sure employees are doing their job properly, get our [Managing performance & warnings best practice guide \(www.fairwork.gov.au/how-we-will-help/templates-and-guides/best-practice-guides/managing-underperformance\)](http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/best-practice-guides/managing-underperformance) .

Preventing bullying at work

Read Safe Work Australia's [Guide for preventing and responding to workplace bullying](http://www.safeworkaustralia.gov.au/sites/swa/about/publications/pages/guide-workplace-bullying)  (http://www.safeworkaustralia.gov.au/sites/swa/about/publications/pages/guide-workplace-bullying) .

Discrimination

For resources covering issues of discrimination in the workplace, go to our [Protection from discrimination at work page \(www.fairwork.gov.au/employee-entitlements/protections-at-work/protection-from-discrimination-at-work\)](http://www.fairwork.gov.au/employee-entitlements/protections-at-work/protection-from-discrimination-at-work) .

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You might also be interested in

- [Protection from discrimination at work \(www.fairwork.gov.au/employee-entitlements/protections-at-work/protection-from-discrimination-at-work\)](http://www.fairwork.gov.au/employee-entitlements/protections-at-work/protection-from-discrimination-at-work)
- [Managing performance and warnings \(www.fairwork.gov.au/employee-entitlements/managing-performance-and-warnings\)](http://www.fairwork.gov.au/employee-entitlements/managing-performance-and-warnings)

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Contact us

Fair Work Online: www.fairwork.gov.au

Fair Work Infoline: 13 13 94

Need language help?

Contact the Translating and Interpreting Service (TIS) on 13 14 50

Hearing & speech assistance

Call through the National Relay Service (NRS):

For TTY: 13 36 77. Ask for the Fair Work Infoline 13 13 94

Speak & Listen: 1300 555 727. Ask for the Fair Work Infoline 13 13 94

The Fair Work Ombudsman is committed to providing advice that you can rely on. The information contained on this website is general in nature. If you are unsure about how it applies to your situation you can call our Infoline on 13 13 94 or speak with a union, industry association or workplace relations professional. Visitors are warned that this site may inadvertently contain names or pictures of Aboriginal and Torres Strait Islander people who have recently died.