

C-16 Stress, Fatigue, Bullying and Health Monitoring

QA. 2.2	Safety.
QA. 2.2.1	Supervision.
QA. 2.2.2	Incident and emergency management.
QA. 4.1	Staffing arrangements.
QA. 4.2	Professionalism.
QA. 5.1.2	Dignity and rights of the child.
QA. 5.2	Relationships between children.
QA. 5.2.2	Self-regulation.
QA. 6.1.3	Families are supported.
QA. 6.2.2	Access and participation.
QA. 7.1.2	Management systems.

National Regulations

Reg. 85	Incident, injury, trauma and illness policies and procedures
Reg. 86	Notification to parents of incident, injury, trauma and illness
Reg. 87	Incident, injury, trauma and illness record
Reg. 155	Interactions with children
Reg. 156	Relationships in groups
Reg. 168	Education and care service must have policies and procedures
Reg. 176	Time to notify certain information to Regulatory Authority
Reg. 181	Confidentiality of records kept by approved provider

Policy Statement

We will ensure that all workers are supported to minimise stress and fatigue, are not subject to bullying, psychological hazards, or other forms of workplace violence and if necessary, have health monitoring organised.

This procedure encompasses all staff. Bullying of any type is not tolerated in this workplace. Persons bullied on the basis of gender, race or ethnic background, disability, sexual preference, marital status, pregnancy, or age, are protected by the Equal Opportunity Act.

Related Policies

- ENOSHCP Policy A-3: Philosophy
- ENOSHCP Policy A-14: Complaints
- ENOSHCP Policy A-17: Privacy and Confidentiality
- ENOSHCP Policy C-3: Staff Orientation and Induction
- ENOSHCP Policy C-4: Educator Professionalism
- ENOSHCP Policy C-7: Grievance Procedures
- ENOSHCP Policy C-8: Disciplinary Action
- ENOSHCP Policy C-12: Communication
- ENOSHCP Policy C-13: Interactions with Children
- ENOSHCP Policy D-9: Emergency Procedures
- ENOSHCP Policy D-22: Child Protection

- ENOSHCP Policy D-23: Child Management / Behaviour Guidance
- ENOSHCP Policy D-24: Exclusion for Unacceptable Behaviour
- ENOSHCP Policy D-30: Supervision

Responsibilities

It is the responsibility of all persons in the workplace to report bullying, harassment, or other psychological hazards immediately to Management.

Management has the responsibility to:

- Develop systems to detect and prevent stress and fatigue, bullying, harassment and / or workplace violence issues.
- Consult with workers concerning possible issues of stress and fatigue, bullying or workplace violence at the service.
- Ensure that factors that contribute to workplace bullying and violence are addressed and controlled promptly.
- Provide training and a communication strategy that promotes zero tolerance of aggression and violence.
- Ensure there are adequate HR procedures in place which are fully implemented to address any stress and psychological hazards that occur.
- Identify and address any situation where workers have been exposed to potentially hazardous materials and instigating a process of health monitoring if appropriate.

Staff has the responsibility to:

- Following instructions in all relevant workplace procedures
- Adhering to their training
- Report any incidents of workplace bullying, harassment, stress, or fatigue.

Procedure

Injuries resulting from psychological hazards of fatigue, bullying, harassment or other workplace violence are increasing and where these result in workers compensation claims they become difficult to manage and resolve.

- The Centre will assess the potential risk of workplace bullying, harassment, stress, or fatigue and establish procedures to prevent any such incidents.
- Procedures will be established to manage incidents if they do occur.

Stress and Fatigue

Fatigue is defined as tiredness that results from physical or mental exertion or insufficient sleep. Shift work, work that requires a high level of concentration or intense inter-personal interactions, standing for long periods of time and overtime are all conditions that can lead to fatigue.

Health effects of prolonged stress and fatigue can include:

- sleep disorders
- mood disturbances
- gastro-intestinal complaints
- headache
- nausea
- depression

Successful prevention of stress and fatigue involves consultation between management and staff. Consultation will include discussion in relation to shift work schedules, driving and workloads.

Bullying and Harassment

Bullying is defined as repeated unreasonable behaviour directed toward a worker or person within the workplace, or a group that creates a risk to health and safety.

Examples of behaviour that could be bullying include:

- Verbal abuse
- Humiliating someone through sarcasm or insults
- Intimidation
- Belittling individuals in front of peers / subordinates
- Giving someone the majority of unpleasant tasks
- Continuously threaten a staff member
- Constantly look over an individual's shoulder while they do their duties.
- Calling an individual names, tease, insult or generally make fun of them.
- Cause individuals to become alienated from peers and deliberately not include staff in workplace activities.
- Make individuals feel afraid and worried.
- Spread gossip about individuals.
- Give individuals an unreasonable amount of work to do.
- Hide individuals' belongings or tools.

It is a condition of employment at the Service that all persons in our workplace are to behave in a professional manner and treat each other with dignity and respect. Anyone displaying behaviours indicated above will be subject to the Services HR and disciplinary processes.

Staff who witness or experience workplace bullying should report the incident immediately to Management.

Investigation and Resolution Procedure

When a report of workplace bullying is lodged the Centre will complete the following steps:

- determine the nature and severity of the problem.
- ensure confidentiality at all times.
- document every stage of the process from initial report to ultimate resolution.
- examine the underlying risk factors that may have contributed to the bullying and apply the most appropriate resolution method.

Confidentiality

Reporting will remain strictly confidential, and no repercussions or retaliation will occur against the person who reports any legitimate incident of bullying.

Resolution

There are three (3) approaches that can be employed to deal with complaints regarding workplace bullying:

1. Informal (direct) - the person who believes that they are experiencing workplace bullying (or someone on their behalf, e.g., team leader, supervisor etc), makes a clear, polite request for the behaviour to stop.
2. Informal (mediation) - a meeting is held involving the staff member affected by the bullying and the perpetrator. An independent and impartial mediator (Human Resources) is present to assist and discuss the incident and come to an agreed outcome. Members of a union have the right for union representation. Participation in mediation is voluntary and either party can withdraw at any time.
3. Formal (investigation) - this approach is steered by an independent third party It involves separate interviews with the staff member allegedly affected by the bullying, the alleged offender, any witnesses, and other relevant staff. This is often the stage at which the issue becomes a Workers Compensation Claim which can become difficult, time consuming and expensive to manage. Resolution using methods 1 or 2 is preferable.

Possible outcomes following the resolution strategies above will vary but may include:

- a written apology; or
- an official warning; or
- counselling; or
- dismissal

Sources

- Privacy Act 1988
- NSW Anti-Discrimination Act 1977
- WHS Act 2011
 - pt.2 div.2 s.19 (primary duty of a person conducting a business or undertaking)
 - pt.2 div.2 s.19(3)(g) (PCBU is to monitor the health of workers to prevent illness or injury arising from the undertaking)
- WHS Regulation 2017
 - ch.3 (PCBU's duty to identify hazards, assess the risks of those hazards and control those risks)
 - ch.7 pt.7.1 div.6 s.368 (health monitoring for employees exposed to hazardous substances)
- WorkCover NSW information page – Bullying Prevention Kit:
<http://www.workcover.nsw.gov.au/formspublications/publications/Pages/bullying-prevention-kit.aspx>
- SafeWork Australia – “[Dealing with workplace bullying – A Worker's Guide](#)”
- SafeWork Australia – “[Guide for preventing and responding to workplace bullying](#)”

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