



# chs

## Bullying fines deliver a stern message

**Recent events have highlighted the increasing incidence of Workplace Bullying, harassment, and intimidation, often with dramatic and disastrous consequences – sometimes fatal.**

Apart from the physical and psychological effects on individuals, their families and colleagues, productivity is affected across an organization. Bullying can cost, not only the morale of the workforce, and profits, but also the reputation of the Company if the matter goes to court.

Recent statistics show the cost of WorkCover claims – the result of stress caused by bullying, to be in excess of \$41,000, compared to physical injury WorkCover claims with an average cost of just over \$23,000.

Employers may be liable for workplace bullying practices under a number of laws including discrimination legislation, occupational health and safety legislation, and Workers Compensation legislation and this is where the involvement of CHS can make a difference.

Employers have a duty to provide and maintain, so far as is reasonably practicable, a working environment that is safe, without risk to health, and to eliminate or reduce risks to employees. This duty extends to bullying type behaviours in the workplace.

There are many different definitions or descriptions of workplace bullying, although there is a growing consensus as to the most accepted inclusions in the definition.

Typically, bullying at work is regarded as:

*“repeated, unreasonable behaviour, where the behaviour causes, or has the potential to cause harm”.*

EARLY INTERVENTION by the Employer may well prevent escalation of a matter into a full and formal investigation that may well result in formal disciplinary action.

Investigations can take various forms with the early intervention investigation being focused on quickly identifying and remedying problems uncovered by the Complainant. Disciplinary investigations are evidence based and focused on gathering and collecting evidence that may be used in formal proceedings at a later stage against one or more individuals or agencies.

In either case the purpose of an enquiry is to:

- Establish and document the facts
- Reach appropriate conclusions based on the available evidence
- Determine a suitable response.

# chs

PROFESSIONAL  
SUPPORT SERVICES



## How CHS can help

CHS has a team of senior and experienced investigators, well versed in the investigation process associated with bullying and harassment matters. At the commencement of an investigation, the investigator will obtain a clear understanding of the issues raised by the complainant.

Thereafter they will gather information as to the Policies of the employer organisation, which may be relevant to any ultimate decision-making process.

CHS investigators have the necessary skills, sensitivity and experience to conduct these types of investigations from an impartial and objective perspective.

CHS will provide a final report containing:

- the nature of the alleged misconduct
- who is alleged to have committed the breach
- interviews with the complainant, respondent and witnesses
- with appropriate signed statements, a copy of the transcriptions of interviews and any supporting documentation.

In addition the final report will contain an analysis of the evidence, along with findings as to whether or not the allegations are in fact substantiated. Recommendations will be provided where requested and appropriate.

CHS is committed to carrying out these types of investigations in a timely, sensitive, professional manner, having regard to due process and natural justice.

For more information on the subject contact Manja Shaw or Jim Higgins on the details below.

## Our key staff

Manja Shaw      m 0419 886 476      e [manja@chsaustralia.com](mailto:manja@chsaustralia.com)  
Jim Higgins      m 0417 007 707      e [jim@chsaustralia.com](mailto:jim@chsaustralia.com)

## Head Office

PO Box 332 Mitcham Victoria 3132 DX 13211 Mitcham  
t +61 3 9894 1940 f +61 3 9877 3673  
e [info@chsaustralia.com](mailto:info@chsaustralia.com) w [www.chsaustralia.com](http://www.chsaustralia.com)

Cygnus Higgins Shaw Pty Ltd

**chs**  
PROFESSIONAL  
SUPPORT SERVICES