

HR & Your Legal Obligations: Psychosocial Hazards



My 3 Wishes:

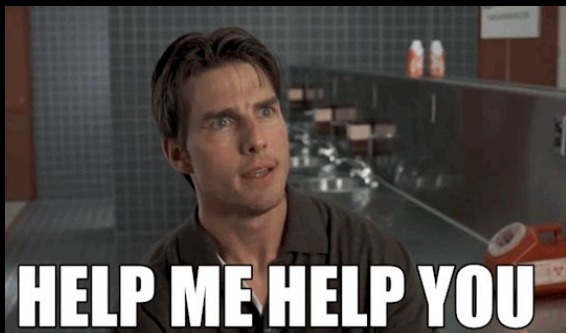
1. You develop a sense of confidence and calm in sticky situations that propels your career into the stratosphere.
2. Your people love you.
3. You use this for good, not evil. Never forget humanity, even when dealing with legal situations.

Sexual Harassment



& Bullying

Managing



Underperformance

WHAT WE'LL COVER

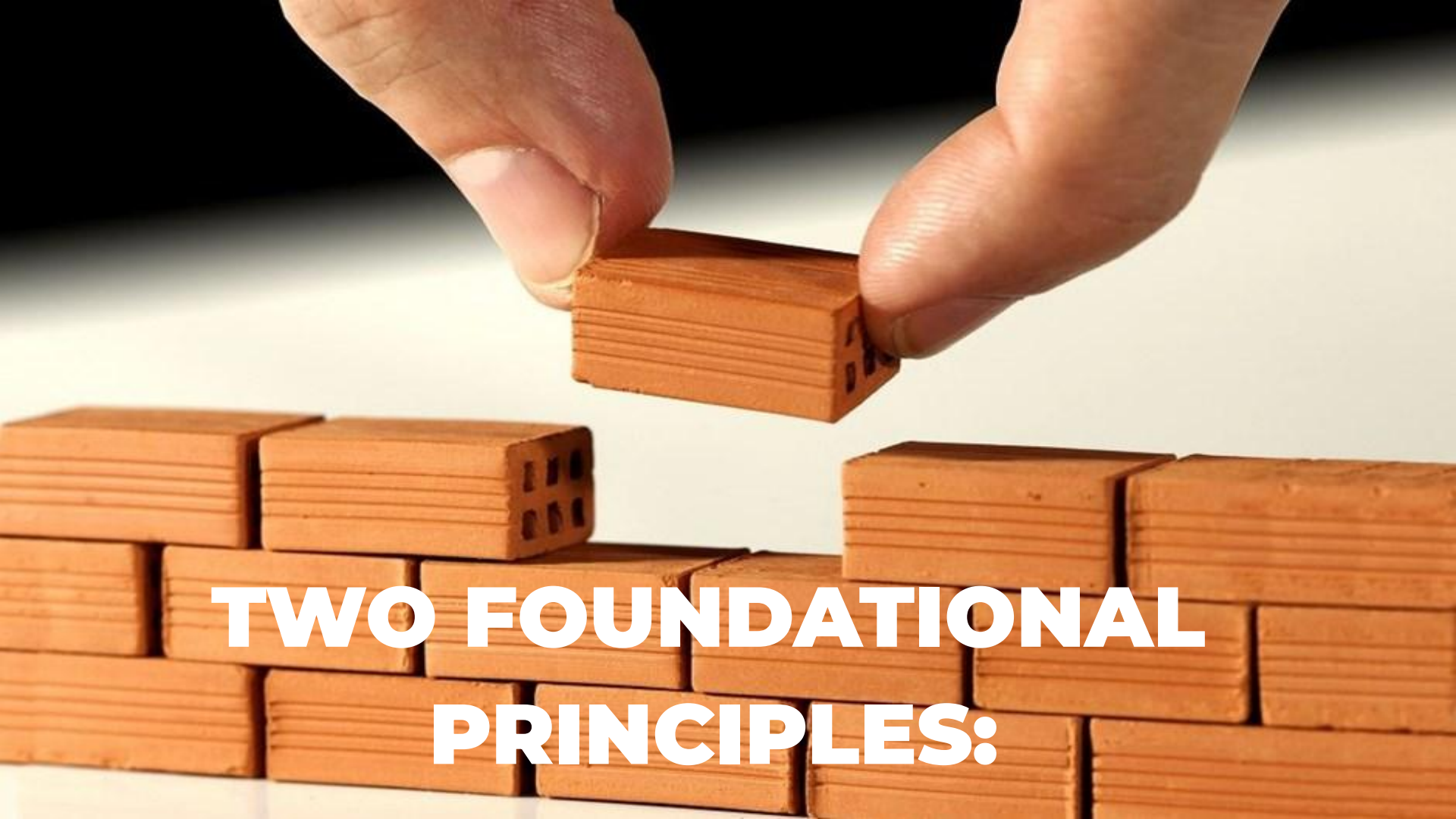
Psychosocial



Hazards

Firing People





**TWO FOUNDATIONAL
PRINCIPLES:**

Principle #1:

Every person has a legal right to come to work each day and feel safe, comfortable, confident and happy to do their job.



Principle #2:

When you move into a leadership or management position, you are personally legally obligated to effectively deal with any breaches of principle #1.

(I bet they didn't mention *that* when you got promoted...)



LEGAL STUFF





Respect@Work Amendment Bill 2021

Greater responsibility placed on employers to prevent (not just respond) to sexual harassment, bullying, psychosocial hazards etc.

A man in a dark suit and light-colored shirt stands in the center of a red background. He has a serious expression. Surrounding him are several white silhouettes of people in various poses, some appearing to be walking or standing. The overall image has a halftone or dithered texture.

SEXUAL HARASSMENT & BULLYING

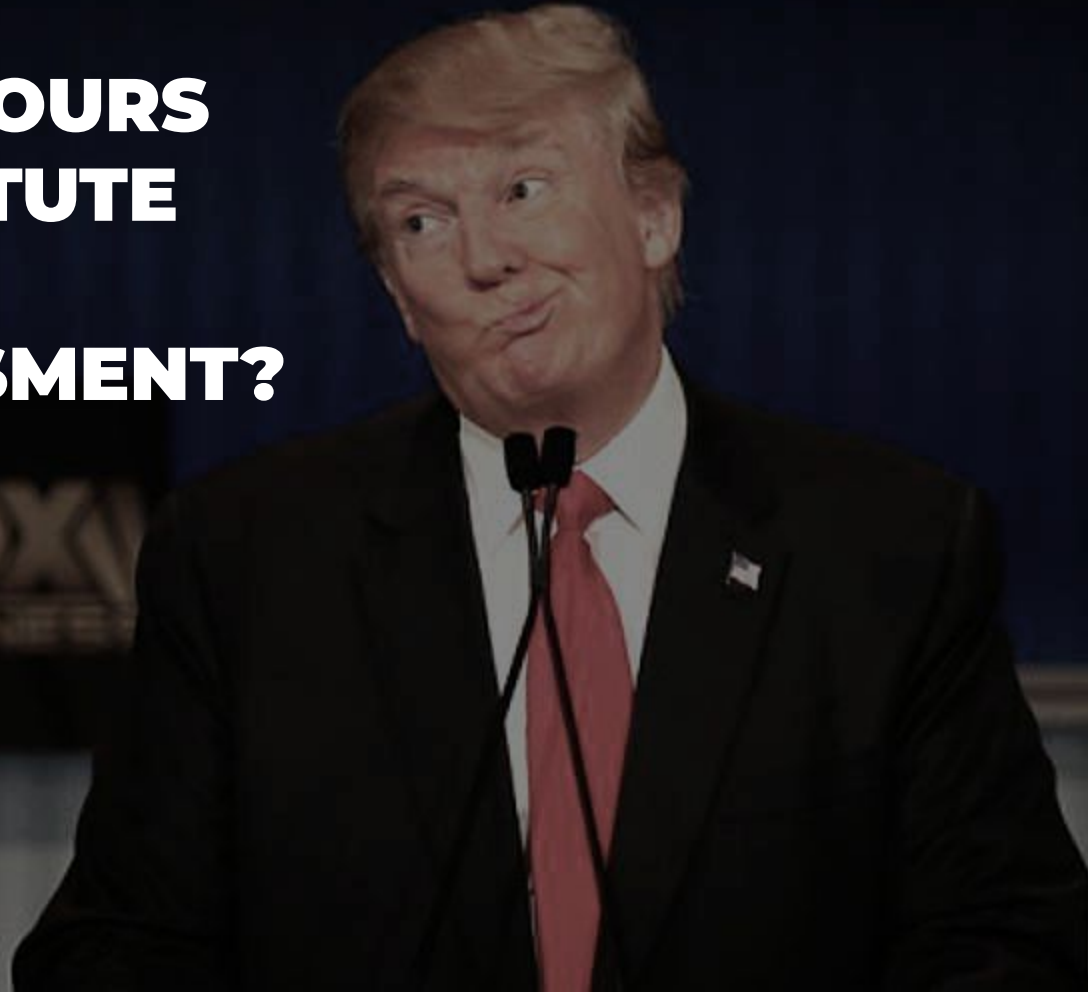
WHAT DOES THE LAW SAY ABOUT SEXUAL HARASSMENT?

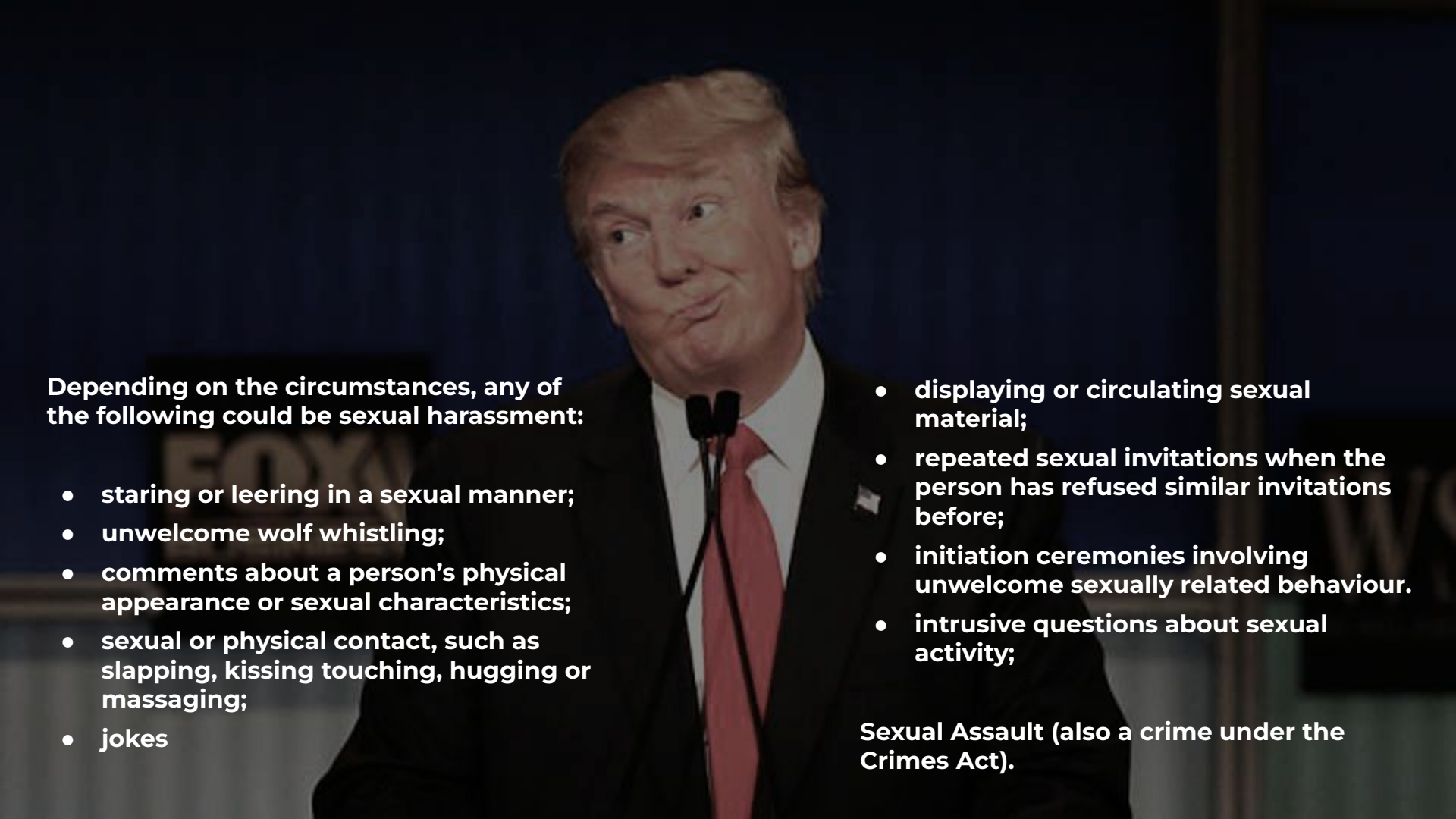
The Sex Discrimination and Fair Work Amendment Act 2021
(aka *The Respect@Work Act*)

JUDGE
JUDY SHEINDLIN

- unwanted sexual advances, or unwelcome requests for sexual favours; or other unwelcome conduct of a sexual nature; and
- in the circumstances, a reasonable person would have expected you to be offended, humiliated or intimidated by this behaviour

**WHAT
BEHAVIOURS
CONSTITUTE
SEXUAL
HARASSMENT?**





Depending on the circumstances, any of the following could be sexual harassment:

- **staring or leering in a sexual manner;**
- **unwelcome wolf whistling;**
- **comments about a person's physical appearance or sexual characteristics;**
- **sexual or physical contact, such as slapping, kissing touching, hugging or massaging;**
- **jokes**

- **displaying or circulating sexual material;**
- **repeated sexual invitations when the person has refused similar invitations before;**
- **initiation ceremonies involving unwelcome sexually related behaviour.**
- **intrusive questions about sexual activity;**

Sexual Assault (also a crime under the Crimes Act).

WHAT DOES THE LAW SAY ABOUT BULLYING?

Bullying happens at work when:

- a person or group of people **repeatedly** behave unreasonably towards another worker or group of workers
- the behaviour creates a risk to health and safety.

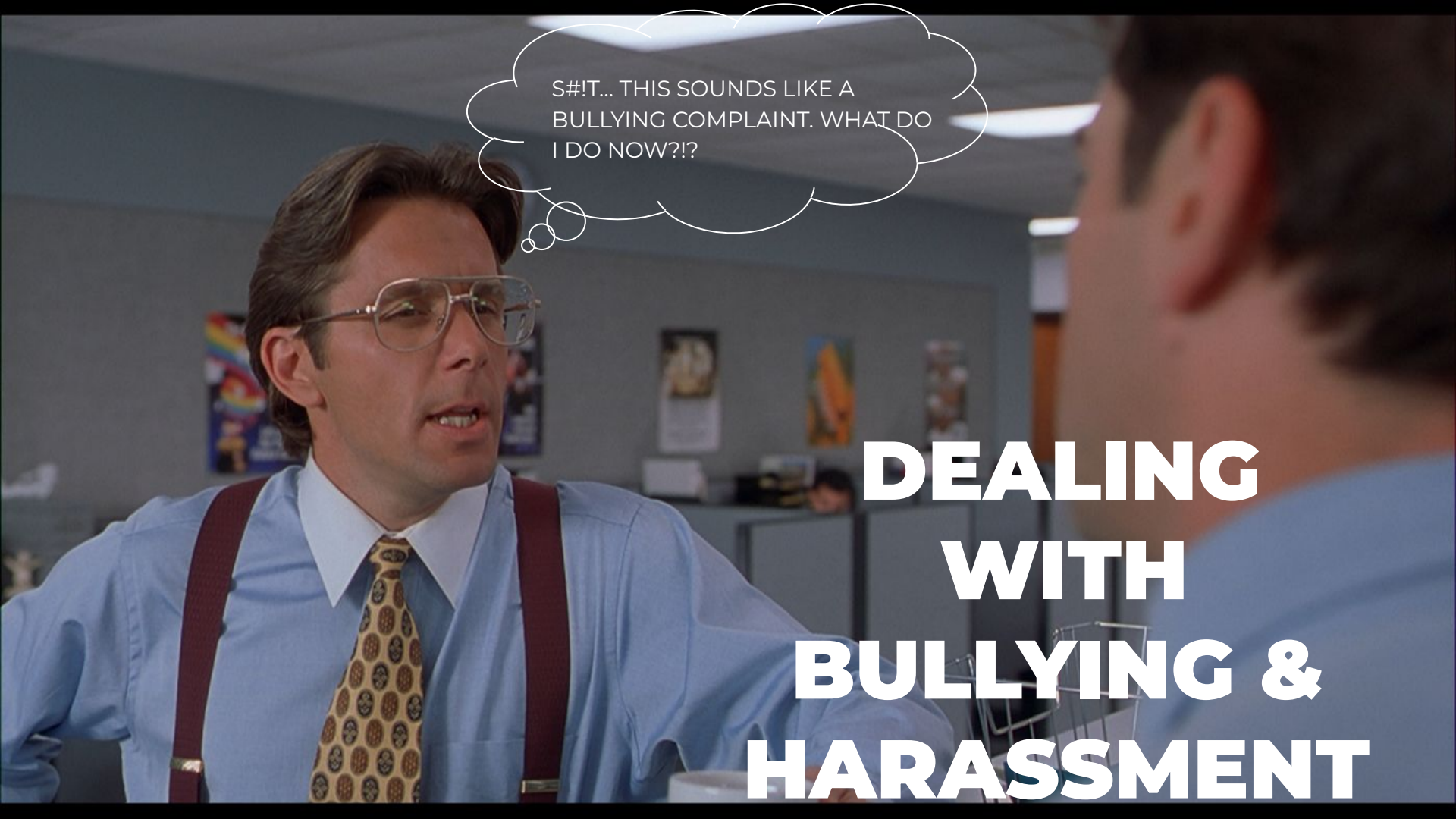
JUDGE
JUDY SHEINDLIN

WHAT BEHAVIOURS CONSTITUTE BULLYING?





**REASONABLE
MANAGEMENT
ACTION**

A man with brown hair, wearing glasses, a light blue dress shirt, a patterned tie, and dark red suspenders, is shown in a medium shot. He has a confused or stressed expression, looking slightly to his right. The background is an office with cubicles, posters, and a shopping cart. A thought bubble is positioned above his head.

S#!T... THIS SOUNDS LIKE A
BULLYING COMPLAINT. WHAT DO
I DO NOW?!?

DEALING WITH BULLYING & HARASSMENT



YOUR LEGAL RESPONSIBILITY



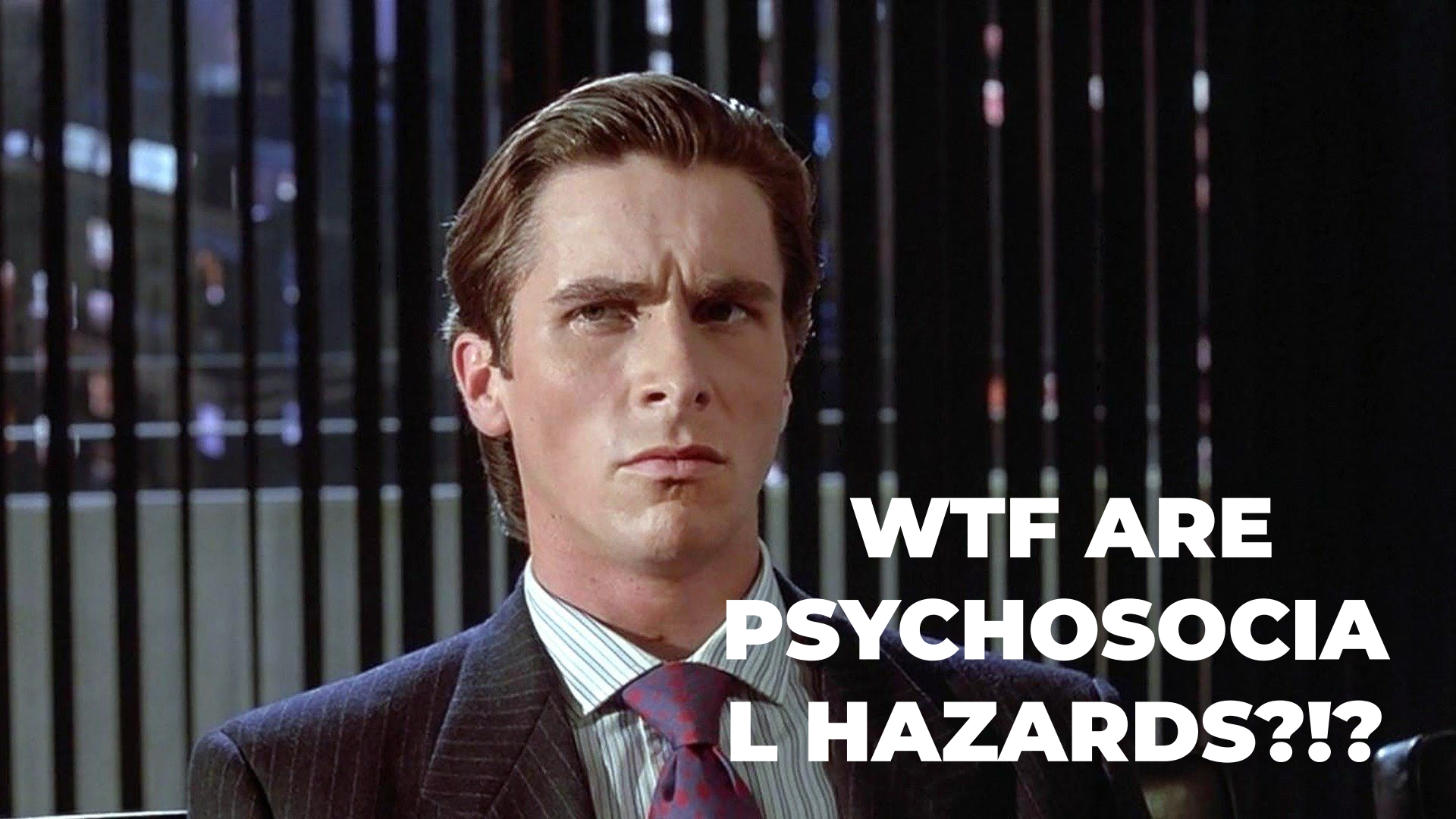
**THE
INFORMAL
COMPLAIN**

T

WHAT DO YOU SAY?

- **ACTIVELY LISTEN** – “Please tell me exactly what happened, including dates, times, situations, witnesses and anything else that might be relevant” (take notes)
- **ASSURANCE** – “I’m very sorry you’ve been put in a situation that has made you feel this way. You’ve done the right thing by telling me.”
- **AFFIRM** – “Regardless of the outcomes of this, you have legal protections in place to protect you from any retaliation and we will support you through this process”
- **ACTION** – Discuss the next steps
- **ASK** – “Have you got any questions?”



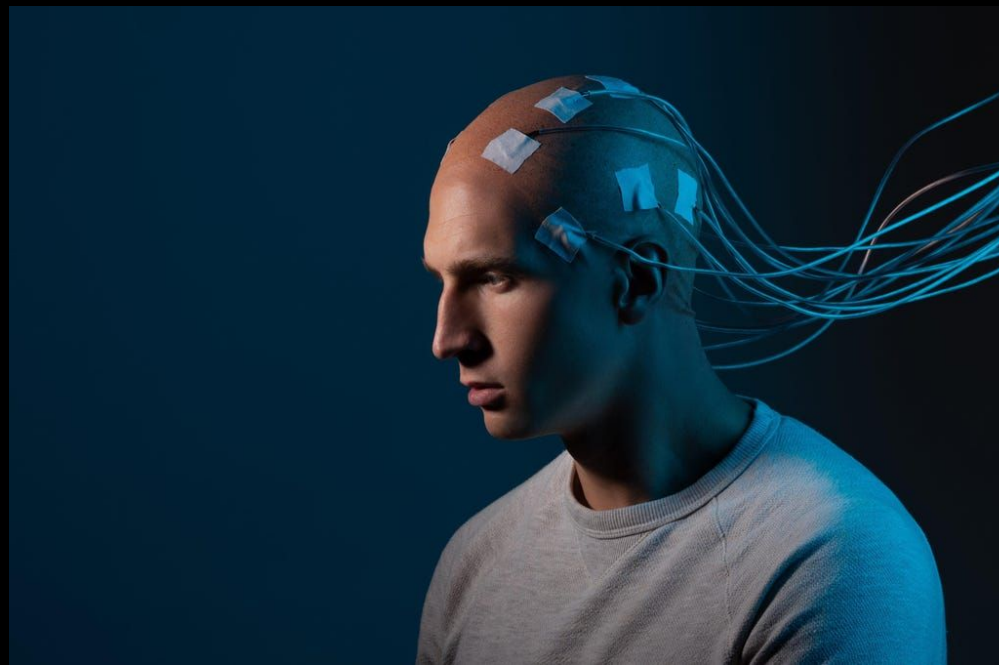


**WTF ARE
PSYCHOSOCIA
L HAZARDS?!?**

THEN



NOW





Workplace injustice

Two rules for the same situation,
no consequences,
minimal transparency.



**Unachievable
job demands**

When our roles exceed
our capacity.



Bullying & harassment

The use of power or authority to
harm or intimidate with verbal,
physical or social aggression.



Poor support

Minimal guidance, feedback
& help from your managers.



**Harmful workplace
interactions**

Witnessing or experiencing
people behaving badly.



Lack of role clarity

When you don't know what you
are meant to be doing and
what you are responsible for.



Job underload

When we are capable of far
more than our job allows.



**Insufficient reward
& recognition**

Not being acknowledged
for what you contribute.



Remote / hybrid working

Can lead to feeling like you
don't belong and blur your
work/life boundaries.



Family Domestic Violence (FDV)

Behaviour that is threatening, abusive,
violent, coercive or controlling in
a domestic situation.



Physical stressors

Our physical environment can
add to our stress loads.



Low levels of autonomy

Minimal control over what you do.
No decision making power.



Traumatic events

Exposure to highly distressing
content or events.



Change management

Poor planning, comms and
implementation of change.

“This is just advertising”

*“We just don’t have
enough resources at the
moment”*

*“This has just been a
crazy project!”*

*“I feel like I’m in survival
mode.”*

*“I know the
client/Producer/Creatives
shouldn’t talk to me like
that... it’s just a stressful
time.”*

*“I’ll just check my email
before I go to bed in
case the client as sent
through that feedback”*

*“It will all feel better
when we stop pitching
so much” (we never stop
pitching)*

LEGALLY:

- Have clear policies in place (and follow them)
- Provide training on Sexual Harassment & Bullying (tick & flick online training doesn't cut it anymore)
- Provide Mental Health Support and training
- Conduct Psychosocial Surveys and Workplace Design Assessments
- Do not dismiss people who are stressed out!



HUMAN:

A photograph of two men in conversation. The man on the left is seen in profile, wearing a brown jacket. The man on the right is facing him, wearing a dark blue jacket over a light-colored shirt, and is smiling broadly. The background is dark and out of focus.

- Take the time to listen, connect and empathise with people in your teams who are struggling. Especially when you're too busy.
- Help where you can, but know where they can get help (HR or EAP etc)
- Get really comfortable letting someone vent or express their emotions.



MANAGING UNDERPERFORMANCE

THE 4 E's of UNDERPERFORMANCE:

- **ENVIRONMENT:** Something is going on at work or home.
- **ENGAGEMENT:** They're just not that into it
- **EXPECTATION GAP:** There is misalignment between what people expect from them and what they think they should be doing
- **EXPERIENCE / SKILLS:** They don't have the skills, knowledge or tools to do a good job



LEGALLY:

- **Informal feedback:** a chat about where they're struggling, what they need to improve.
- **Formal Feedback (PIP):** a meeting to discuss issues, set clear expectations, a timeline for improvement, and consequences. Supported by written letter.
- **Success!**
- **Improvement...** but more work needed.
- **Termination**



TERMINATION: LEGAL

TALK TO HR.



TERMINATION: HUMAN

This should very rarely come as a surprise.

Offer them the chance to have a support person

Do it on Monday or Tuesday.

Tell them as quickly as possible that it's a shit conversation.

Rip the bandaid.

Be ready for the emotional reaction.

Offer a follow up meeting.

CLINT.. THAT'S A LOT!

- www.fairwork.gov.au
- respectatwork.gov.au
- [MFA People First Hub](#)





Clinton Parr
A Lion & The Vibes

clinton@alionvibes.com.au

0438 537 357

Stuff I do:

- Active Bystander & Ally Training
- Stress & Resilience Training
- Building Resilient Cultures Coaching
- HR & Leadership Coaching
- Talk to people about P&C
- Other HR stuff

A photograph of Tom Hanks from the movie "The Sandlot". He is wearing a blue suit, a light blue striped shirt, and a dark patterned tie. He has a serious expression and is looking slightly to the right. The background consists of out-of-focus trees with yellow and orange autumn leaves.

T. HANKS