

Preventing and responding to bullying at work

Questions to ask when engaging an external trainer, mediator or investigator

October 2010

Questions to ask a trainer

- What qualifications do you have?
- What experience do you have in delivering training to other workplaces like ours?
- What training have you delivered on workplace bullying?
- What do you think are the most important things to consider when delivering workplace bullying training?
- What size groups do you recommend?
- What resources will you use in delivering the training?
- What will you provide to participants in training (eg course outline, handouts, course notes, learning outcomes)?
- Can you provide an outline of your program including aims, objectives, learning outcomes before you commence training?
- Does your training provide information on how to comply with OHS laws in relation to bullying?
- Do you negotiate a learning contract with the organisation and with the participants?
- How long will the training take?
- How much do you charge?
- How will you evaluate your training?
- What range of methods do you use in delivering training?
- How would you manage a situation where a participant identifies that they have been, or are currently being, bullied and is obviously distressed?

Questions to ask an external mediator

- What is your understanding of workplace bullying?
- How many mediation sessions involving workplace bullying have you conducted so far?
- What qualifications do you have?
- Are you accredited as a mediator and if so, who with?
- How do you maintain confidentiality?
- Can parties bring support people with them?
- What information do you give each party before the mediation?
- Do you ask parties to enter a pre-mediation agreement?
- Do you initially meet with each party separately to explain the process to them?
- Are your sessions conducted 'without prejudice' or are

there conditions attached to the outcomes? (The threat of disciplinary action depending on the outcomes for instance may taint the mediation process.)

- How do you assess if parties are ready to mediate?
- What do you do if one party feels unsafe to begin or to continue in mediation?
- How long do you expect a mediation session to go for? (There needs to be some flexibility for all parties including the mediator. It is important to note that mediation sessions that go on for a long time can be very tiring. This could affect any decisions or agreements.)
- Can you explain your process – ie how you mediate?
- What do you charge per hour?
- Do you get parties to sign an agreement at the end of the mediation?
- If yes, what sorts of things would be covered in this agreement?
- What happens if parties can't reach agreement?
- Do you provide a written report after the mediation and if so who gets to see this?
- Are there any issues that may come out in the course of a mediation session that you would feel bound to report?
- What records do you keep and what happens to these records?

Questions to ask an external investigator

- What is your understanding of workplace bullying?
- How many cases of workplace bullying have you investigated before?
- What qualifications do you have to conduct investigations?
- How do you maintain confidentiality around the complaint you are investigating?
- What sort of things will you look at in the course of your investigation?
- What records will you need access to?
- Do you explain the process to each party before you begin the investigation?
- What information do you give them?
- When you interview each party do you advise them to have someone with them (friend, union rep, advocate)?

More information about Preventing and responding to bullying at work

- How long will the investigation take?
- What sort of records do you keep and what happens to these?
- If information arises during the course of an investigation which indicates that illegal activity has taken place (eg fraud, sexual assault) what do you do about this?
- What do you do if parties wish to change their statements or add to them?
- Do you provide a written report at the end of the investigation and if so who (provide their names rather than a general title like 'Management') has access to it?
- An investigation process can take a long time. Do you provide progress reports?
- If yes, who receives these reports and how often do you provide them?
- Do you keep each party informed of the progress of the investigation?
- What happens if the complaint of bullying is substantiated?
- What happens if the complaint is not substantiated?
- What will the investigation cost?
- Do you factor in regular breaks when you meet with each party?
- When there is more than one alleged bully will they be interviewed as a group or separately?

Further information

For further information contact the WorkSafe Victoria Advisory Service on **1800 136 089** or go to **worksafe.vic.gov.au**

***Note:** This guidance material has been prepared using the best information available to the Victorian WorkCover Authority and should be used for general use only. Any information about legislative obligations or responsibilities included in this material is only applicable to the circumstances described in the material. You should always check the legislation referred to in this material and make your own judgement about what action you may need to take to ensure you have complied with the law. Accordingly, the Victorian WorkCover Authority cannot be held responsible and extends no warranties as to the suitability of the information for your specific circumstances; or actions taken by third parties as a result of information contained in the guidance material.*