

When workplace bullying, harassment or discrimination occurs

Workplace bullying, harassment or discrimination can have a significant impact on a person's mental health and wellbeing.

Your patient may present to you with symptoms of mental ill-health and report circumstances suggesting that workplace bullying, harassment or discrimination may have occurred.

Examples could include:

- co-worker behaviours that belittle or insults their nationality of birth
- being exposed to sexually explicit or suggestive emails or behaviours at work
- asking intrusive questions about someone's personal life, including their sex life
- being denied workplace conditions or opportunities presented to other because of personal characteristics specified under anti-discrimination legislation
- experiencing workplace behaviours that could reasonably be considered as abusive, offensive, intimidating, impossible to achieve, or undermining work performance¹.



It can be complicated

It is important to note that where a patient believes they have experienced workplace bullying, harassment or discrimination, multiple processes may take place simultaneously. This may occur if your patient decides to progress:

- a claim for workers' compensation and injury management
- a grievance, including a workplace investigation
- legal processes through Fair Work Australia or the Human Rights Commission.

These processes, although occurring over the same period, should be managed separately. Your role as the GP is to manage your patient's recovery and return to work.

¹Australian Human Rights Commission 2010, *What is workplace discrimination and harassment?*, accessed at <http://www.humanrights.gov.au/what-workplace-discrimination-and-harassment>



When a purely medical approach risks recovery

When your patient has sustained a psychological injury because of bullying, harassment or discrimination, taking a purely medical approach to treating mental ill-health will not be effective for recovery. As a GP, you have a very influential role in restoring health and work participation. However, it is important to gain as much information as possible, including from the employer and a workplace rehabilitation provider.

Naturally, there may be concerns about certifying a worker with capacity to return to work. If in your judgement they are not fit for an immediate return, it is important that other measures are put in place. For example, you may suggest mediation occur between your patient and their employer where there has been conflict. You could also consider a referral for targeted counselling or consider assertiveness training.

Thinking about your patient's long-term wellbeing

If after your medical assessment, you do believe your patient has sustained a work-related psychological injury, it's important to keep in mind that work generally is good for health and wellbeing, and:

- participation in work generally prevents the patient from further declining health and onset of secondary conditions, and also protects against financial stress and long-term work disability
- where there is some capacity for work, indicate this on the WorkCover WA certificate of capacity
- where there are workplace conditions that will prevent further declining health, state this in the free text space under 'Work Capacity' (e.g. 'temporary suitable duties in another team should be identified while mediation occurs. Please develop a return to work program.')
- your patient may have fears or anxieties about returning to work – this is natural and reassurance should be provided using sensitivity and with consideration.

Certifying capacity

Where you believe there is a work-related psychological injury, you are required to issue a WorkCover WA First certificate of capacity and provide your patient's:

- description of events, such as 'Date of Injury' and 'What happened?'
- description of their symptoms
- medical assessment outcomes, such as 'Clinical findings' and 'Diagnosis'
- capacity for work, outlining reasonable adjustments where necessary

If requested to do so, please provide more information to insurer's promptly – this will assist to make a timely determination of your patient's claim for workers' compensation.

When a medical diagnosis is not evident

If after your medical assessment, you believe your patient has not sustained a compensable injury, it is important to advise them of this opinion and encourage them to explore other avenues of support. Medicalising industrial relations issues is not helpful to the patient. Other avenues for workplace grievances include:

- the employer's human resources department
- Fair Work Australia
- Australian Human Rights Commission
- the worker's legal practitioner (or Legal Aid)
- the worker's social network

More information

You may also require more information about the workplace or assistance with planning the worker's return to work. If this occurs you can:

- call the nominated injury management coordinator at the workplace
- request or directly refer your patient to a WorkCover WA approved *workplace rehabilitation provider*.

For more information about workers' compensation, contact WorkCover WA advisory services on **1300 794 744** or go to the website, www.workcover.wa.gov.au.

