



## Reasonable management action

How do we determine if someone's behaviour has been unreasonable? Is it simply up to the boss, or is there some kind of 'reasonable person test'?

Read and discuss this hypothetical case study taken from the ACT Public Service's guidelines for resolving workplace issues.

Mira works in the purchasing department of a large organisation. She has been there for 6 months and works with 6 other staff. The department is busy, and the work is routine and shared evenly among the 7 workers. On a regular basis, Mira falls behind schedule with her tasks. To help develop her admin skills and improve her work performance, the purchasing manager asked Mira to attend a 2-day training course. Mira feels humiliated and singled out, even though her manager assures her that her job is not under threat.

Mira is genuinely feeling humiliated. Is this an example of a manager's abuse of power? Is this reasonable? Is it work bullying?



A person might believe they have been mistreated, but that doesn't always mean the other party has done something wrong. These conflicting perceptions are a common cause of workplace friction. Perceptions are important, but the most important factor is to decide if the behaviour was unreasonable.

The Australian Fair Work Commission<sup>1</sup> lists three elements to reasonable management action:

- the behaviour must be management action
- it must be reasonable for the management action to be taken
- the management action must be carried out in a manner that is reasonable.

Examples of management action include:

- directing and controlling the way work is carried out
- performance appraisal
- counselling for misconduct
- modifying a worker's duties
- meetings to discuss underperformance.

Management action does not need to be perfect or ideal for it to be reasonable. For management action to be reasonable, it should be:

- lawful
- comply with your organisation's policies and procedures.

Whether management action was taken in a reasonable manner will depend on the action, facts and circumstances leading to the action. A reasonable manner will be:

- justified by the situation
- timely
- thorough
- transparent.

You should avoid discussing legal interpretations of these issues because this may become adversarial. If an issue is so serious that it needs a lawyer to explain it, then it is outside your area of responsibility. In these situations, contact your human resources team.

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<sup>1</sup> <https://www.fwc.gov.au/anti-bullying-benchbook/when-worker-bullied-at-work/reasonable-management-action>