

WHS14 Workplace Bullying Policy

Aim

The Organisation aims to provide a safe and healthy work environment, so far as is reasonably practicable, in which all workers are treated fairly, with dignity and respect. Bullying is a risk to the health and safety in the workplace, and will not be tolerated by the Organisation.

This Policy outlines the Organisation's commitment to a safe workplace and is aimed at ensuring, so far as it reasonably can, that employees are not subjected to any form of bullying while at work. It also details the legal responsibilities of the Organisation and workplace participants in relation to preventing bullying in the workplace.

Scope

This Policy covers all employees of the Organisation (whether full-time, part-time or casual) and all persons performing work at the direction of, in connection with, or on behalf of the Organisation (for example contractors, subcontractors, agents, consultants, and temporary staff) (collectively 'workplace participants').

This Policy extends to all functions and places that are work related, for example, work lunches, conferences, Christmas parties and client functions. This Policy does not form part of any employee's contract of employment. Nor does it form part of any contract for service.

Legal responsibilities

Everyone at the workplace has a legal responsibility to prevent bullying from occurring.

Under relevant health and safety legislation (the 'WHS Legislation') the Organisation has the primary duty to eliminate or minimise, as far as reasonable practicable, the risks to health and safety in the workplace. This duty includes the implementation of strategies to prevent workplace bullying. This policy will assist the Organisation in complying with its legal responsibilities.

Workplace participants are also required under the WHS Legislation to take reasonable care for their own health and safety, as well as that of others at the Organisation's workplace. All workplace participants must also comply with any reasonable instruction given by the Organisation.

What is workplace bullying?

Workplace bullying is repeated, unreasonable behaviour by an individual or group of individuals, directed towards a worker or a group of workers that creates a risk to health and safety. It includes both physical and psychological risks and abuse.

'Repeated behaviour' refers to the persistent nature of the behaviour and can refer to a range or pattern of behaviours over a period of time (for example, verbal abuse, unreasonable criticism, isolation and subsequently being denied opportunities — ie a pattern is being established from a series of events).

'Unreasonable behaviour' means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten another person, regardless of what the intention of the behaviour is.

Examples of workplace bullying

Bullying behaviours can take many different forms, from the obvious (direct) to the more subtle (indirect). The following are some examples of both direct and indirect bullying.

Direct bullying:

- a) abusive, insulting or offensive language or comments
- b) spreading misinformation or malicious rumours
- c) behaviour or language that frightens, humiliates, belittles or degrades, including over criticising, or criticism that is delivered with yelling or screaming
- d) displaying offensive material
- e) inappropriate comments about a person's appearance, lifestyle, their family, or sexual preferences
- f) teasing or regularly making someone the brunt of pranks or practical jokes
- g) interfering with a person's personal property or work equipment, or
- h) harmful or offensive initiation practices.

Indirect bullying:

- a) unreasonably overloading a person with work, or not providing enough work
- b) setting timeframes that are difficult to achieve, or constantly changing them
- c) setting tasks that are unreasonably below, or above, a person's skill level
- d) deliberately excluding or isolating a person from normal work activities
- e) withholding information that is necessary for effective work performance
- f) deliberately denying access to resources or workplace benefit and entitlements, for example training, leave etc.
- g) deliberately changing work arrangements, such as rosters and leave, to inconvenience a particular worker or workers

The above examples do not represent a complete list of bullying behaviours. They are indicative of the type of behaviours which may constitute bullying and therefore unacceptable to the Organisation.

A single incident of unreasonable behaviour does not usually constitute bullying. However, it should not be ignored as it may have the potential to escalate into bullying behaviour.

A person's intention is irrelevant when determining if bullying has occurred. Bullying can occur unintentionally, where actions which are not intended to victimise, humiliate, undermine or threaten a person actually have that effect.

Bullying in the workplace is harmful not only to the target of the behaviour but damages the Organisation's culture and reputation. It is unacceptable and will not be tolerated.

What does not constitute workplace bullying?

Managing workplace participants does not constitute bullying, if it is done in a reasonable manner. Managers have the right, and are obliged to, manage workplace participants. This includes directing the way in which work is performed, undertaking performance reviews and providing feedback (even if negative) and disciplining and counselling staff. Examples of reasonable management practices include:

- a) setting reasonable performance goals, standards and deadlines in consultation with workers and after considering their respective skills and experience
- b) allocating work fairly
- c) fairly rostering and allocating working hours
- d) transferring a workplace participant for legitimate and explained operational reasons
- e) deciding not to select a workplace participant for promotion, following a fair and documented process
- f) informing a workplace participant about unsatisfactory work performance in a constructive way and in accordance with any workplace policies or agreements
- g) informing a workplace participant about inappropriate behaviour in an objective and confidential way
- h) implementing organisational changes or restructuring, and
- i) performance management processes.

What steps will the Organisation take to prevent workplace bullying?

The Organisation will take all reasonable steps to prevent bullying through a risk management process. This process includes, but is not limited to:

- a) identification of bullying risk factors — these are things and situations which could contribute to bullying such as the way in which staff are managed, or organisational change such as redundancies (refer to the common risk factors set out below);
- b) assessment of the likelihood of bullying occurring from the risk factors identified and their potential impact on the workplace participants or workplace;
- c) eliminating the risks, as far as reasonable practicable, or controlling, or minimising, them as far as reasonable practicable;
- d) reviewing the effectiveness of the control methods put in place and the process generally; and
- e) training workplace participants about bullying, how to deal with it and its impact on the workplace.

The Organisation will use the Workplace Bullying Assessment Checklist to facilitate the risk management process. This checklist has been developed to assist the Organisation to identify, assess, eliminate and/ or control bullying in the workplace, taking into account the common risk factors (refer below). The Checklist is an online survey tool accessed through the FBA's account with HR Advance online software.

What are some of the common risk factors which may lead to bullying?

Bullying can result from a number of different factors in a workplace, from the general culture to poor management skills. Some risk factors which make bullying more likely to occur are:

- a) organisational change — ie significant change in the workplace that may lead to job insecurity for example, restructure and redundancy, introduction of technology, change in management.
- b) the culture the Organisation's values, views and beliefs can either expressly or implicitly encourage bullying behaviours, for example, when a company promotes aggressive

behaviour as a means of ensuring its workers are performing their roles, or adopts a culture in which it is acceptable to ignore such behaviours.

- c) negative leadership styles — such as strict, autocratic management styles, which do not allow for flexibility or involvement by employees; or passive, 'laissez-faire' management styles which are characterised by a tendency to avoid decisions, inadequate supervision and little guidance to workers.
- d) inappropriate systems of work — this includes excessive workloads, unreasonable timeframes, uncertainty about roles and how they should be performed, and lack of support.
- e) poor work relationships — this can be characterised by poor communication between workplace participants and management, or negative relationships with supervisors or colleagues, excessive criticism by manager and the exclusion or isolation of workers.
- f) workforce characteristics – groups of workplace participants may be at a higher risk of bullying because of certain characteristics: for example, young workers, new workers, apprentices, injured workers, workers in a minority group because of their race, disability, religion, gender or sexual preference.

The Organisation will consider these factors when undertaking its risk management process.

Complaint procedure

If a workplace participant feels that they have been bullied, they should not ignore it.

The Organisation has a complaint procedure for dealing with bullying (set out below). The complaint procedure has numerous options available to suit the particular circumstances of each individual situation. The procedure should be referred to and followed.

Any bullying issue should be brought to the Organisation's attention as soon as possible. There are a number of options available to workplace participants.

Confront the issue

If a workplace participant feels comfortable doing so, they should address the issue with the person concerned. A workplace participant should identify the bullying behaviour, explain that the behaviour is unwelcome and offensive and ask that it stop.

This is not a compulsory step. If a workplace participant does not feel comfortable confronting the person, or the workplace participant confronts the person and the behaviour continues, the worker should report the issue to their manager. If the manager is the alleged perpetrator, then the matter should be reported to a senior manager, or to Human Resources Manager/Executive Officer.

If at any time, a workplace participant is unsure about how to handle a situation they should contact Human Resources Manager/Executive Officer for support and guidance.

Report the issue

There are two complaint procedures that can be used to resolve bullying complaints: informal and formal (detailed further below). The type of complaint procedure used depends on the nature of the complaint that is made. The aim is to ensure that workplace participants are able to return to a productive and harmonious working relationship as soon as possible.

Informal complaint procedure

Under the informal complaint procedure there are a broad range of options for addressing the complaint. The procedure used to address the issue will depend on the individual circumstances of the case. The CEO/EO will determine which process to follow. The possible options include, but are not limited to, the Human Resources Manager/Executive Officer:

- a) discussing the issue with the person against whom the complaint is made; and/or
- b) facilitating a meeting between the parties in an attempt to resolve the issue and move forward.

The informal complaint procedure is more suited to less serious allegations that if founded, may not warrant disciplinary action being taken.

Formal complaint procedure

The formal complaint procedure involves the workplace participant making a written complaint and a formal investigation of that complaint. It is appropriate for more serious allegations, or if senior management are involved. Formal investigations may be conducted by the Organisation or by an external investigator as determined by the CEO/EO.

An investigation generally involves collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred. Once a finding is made, the Organisation or the external investigator will make recommendations about what actions should be taken to resolve the complaint and any appropriate disciplinary action.

If the Organisation considers it appropriate for the safe and efficient conduct of an investigation, workers may be required not to report for work during the period of an investigation. The Organisation may also provide alternative duties or work during the investigation period. Generally, workplace participants will be paid their normal pay during any such period.

Dealing with bullying complaints

In handling bullying complaints, the Organisation will adopt the following principles:

- a) Take all complaints seriously.
- b) Act promptly.
- c) Will not victimise any person who makes a complaint, any person accused of bullying, or any witnesses and will direct other workplace participants not to victimise any person involved in a complaint.
- d) Support all parties.
- e) Be impartial.
- f) Communicate the investigation or complaint process to all parties involved, including estimating length of time for resolution.
- g) Maintain confidentiality, the Organisation will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other workers in order to determine what happened, to legal representatives or the Organisation's senior managers. It will also be necessary to speak to those against whom the complaint has been made in

order to afford fairness. All workplace participants involved in the complaint must also maintain confidentiality, including the workplace participant who lodges the complaint. Spreading rumours or gossip may expose the workplace participant responsible to a defamation claim.

- h) Act appropriately — if a complaint is made and it appears that bullying has occurred, the Organisation will endeavour to take appropriate action in relation to the complaint.
- i) Keep records — documentation is essential. A record of all meetings and interviews stating who was present and agreed outcomes should always be maintained.

Possible outcomes

The possible outcomes of an investigation will depend on the nature of the complaint. Where an investigation results in a finding that a person has engaged in bullying behaviour, that person will be disciplined. The type and severity of disciplinary action will depend on the nature of the complaint and other relevant factors. Where the investigation results in a finding that the person complained against has engaged in serious misconduct, this may result in instant dismissal. Any disciplinary action is a confidential matter between the affected workplace participant and the Organisation.

The Organisation may take a range of disciplinary action. Examples include, but are not limited to:

- a) providing training to assist in addressing the problems underpinning the complaint;
- b) monitoring to ensure that there are no further problems;
- c) implementing a new policy;
- d) mentoring and support from senior management;
- e) requiring an apology or an undertaking that certain behaviour stop;
- f) changing work arrangements;
- g) transferring to another work area;
- h) issuing a written warning (this can be a first or final warning depending on the circumstances);
- i) dismissal.

Management's role

Managers and supervisors have a key role in the prevention of workplace bullying.

Managers and supervisors must:

- a) ensure that they do not bully workplace participants, clients or customers
- b) ensure that they do not aid, abet or encourage other persons to engage in bullying behaviour
- c) ensure all workplace participants who report to them are aware and understand this policy and their responsibility to comply with it
- d) ensure that all workplace participants who report to them understand that any bullying in any form is unacceptable and will not be tolerated by the Organisation
- e) act promptly and appropriately if they observe bullying behaviours
- f) ensure that all workplace participants who report to them understand that they should report any bullying behaviour
- g) ensure all workplace participants who report to them are aware and understand the complaint procedures

- h) act promptly if a complaint is made. If this is not possible, or is inappropriate, inform the Human Resources Manager as soon as possible.

Workplace participant's role

All workplace participants must:

- a) understand and comply with this policy
- b) sign the workplace participant acknowledgement to this policy
- c) ensure they do not engage in any conduct which may constitute bullying towards other workplace participants, customers/clients or others with whom they come into contact through work
- d) ensure they do not aid, abet or encourage other persons to engage in bullying behaviour
- e) follow the Organisation's complaint procedure if they experience bullying
- f) report any bullying they see occurring to others in the workplace in accordance with this policy
- g) maintain confidentiality if they are involved in the incident which has been reported.

Breach of this Policy

The Organisation takes very seriously its commitment to provide, so far as is reasonably practicable, a safe and healthy work environment, free from bullying. All workplace participants are required to comply with this policy.

If an employee breaches this policy, they may be subject to disciplinary action. In serious cases this may include termination of employment. Agents and contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with the Organisation terminated or not renewed.

If a person makes a false complaint, or a complaint in bad faith (e.g. making up a complaint to get someone else in trouble, or making a complaint where there is no foundation for the complaint), that person may be disciplined and may be exposed to a defamation claim.

More information

If a workplace participant is unsure about any matter covered by this policy, or requires more information about workplace bullying they should seek the assistance of their manager, or of Human Resources Manager. They may also wish to seek external advice from the relevant regulatory authority, such as WorkCover/WorkSafe/SafeWork.

Relevant Legislation

- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation 2011*