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## **BULLYING AND HARASSMENT POLICY PROCEDURES**

### **INTRODUCTION**

The following Procedures are to be implemented to enable ### to meet the policy objective of ensuring the effective management within all service streams of the group of workplace aggressive behaviour, violence, bullying and harassment through early identification and preventative measures.

These Procedures should be read in conjunction with all relevant #### Policies and Procedures and, in particular, **the Bullying and Harassment Policy**.

### **DEFINITIONS**

#### **Bullying**

Includes a type or series of behaviours that degrades, offends, humiliates or intimidates another person. Bullying is similar to harassment, but it generally consists of more than one act whereas it is possible for unlawful harassment to arise from just one act. Bullying may be Overt or Covert.

#### **Overt Bullying**

- Abusive, insulting or offensive language by one or more persons to others.
- Behaviour or language that frightens, humiliates, belittles or degrades, including criticism that is delivered with much yelling and screaming.
- Inappropriate comments about a person's appearance, lifestyle or their family.
- Teasing or regularly making someone the brunt of pranks or practical jokes
- Constant unreasonable and unconstructive criticism.
- Physical assault or threats. Covert Bullying
- Interfering with a person's personal effects or work equipment.
- Organisational behaviour that undermines, treats less favourably or disempowers others
- Placing unreasonably high work demands on one employee that are difficult to achieve but not on others
- Unreasonably ignoring the employee.
- Undermining another employee, including encouraging others to "gang up" on the employee
- Deliberately setting tasks that are beyond a person's skill level
- Deliberately denying access to information, consultation or resources

- unfair treatment accessing workplace entitlements such as leave or training.

### **What Isn't Bullying**

It is important to differentiate between a person's legitimate authority at work and abuse or bullying

- All employers have a legal right to direct, control and provide lawful direction on how work is done and Managers and supervisors have a responsibility to monitor workflow and give feedback on performance
- Managers and supervisors need to be able to make necessary decisions to respond to poor performance or, if necessary, take disciplinary action and also affectively direct and control the way work is to be carried out. Reasonable management decisions and related discussions or actions do not constitute harassment or bullying.
- If an employee has obvious performance problems these should be identified and dealt with in a constructive way that does not involve personal insults or derogatory remarks. In situations where an employee is dissatisfied with management practices, the problems should also be raised in a manner that remains professional and objective.
- Similarly, differences of opinion, conflicts and working relationship issues are part of working life and generally do not constitute harassment or bullying.

### **Harassment**

Is described as an action or incident that physically or psychologically harms another person, including situations where employees and/or other people are threatened, attacked, verbally abused or assaulted at work. Harassment may include but is not limited to:

- Practical/mocking jokes or offensive remarks harping on race, disability, sexual preference or religion
- Stereotyping of particular ethnic groups, disabilities, religion or sexual preference; ▪ comments on physical appearance, disability, dress, private life or religion
- Campaigns of hate and/or silence
- Use of offensive language, including swearing
- Distribution or display of sexually explicit material, or material that is demeaning or offensive on the grounds of race, disability, religion or sexual preference
- Demands, or even subtle pressures, for sexual favours
- Staring, leering, patting, pinching, touching or any other form of unnecessary familiarity
- Sexually suggestive behaviour or sexual jokes
- Physical or sexual assault. A claim of bullying or harassment, whilst being performance managed or disciplined, cannot be constituted as bullying and harassment.

### **Potential Impact of Bullying or Harassment**

The potential impact of workplace bullying or harassment will affect individuals differently and will vary according to the circumstances. Some of the consequences of bullying or harassment in the workplace may include:

- Increased stress for the person and other employees who witness the behaviour
- Deterioration of the work environment that may flow onto personal, home and family life
- An increase in personal, team, area or organisational frustration when bullies use their power inappropriately
- Lack of confidence or trust in the process or ##### when employees witness or know about the bullying especially if it appears that nothing or very little is being done to address the situation
- Increased absenteeism and erratic timekeeping
- Low morale and erosion of employees loyalty and commitment
- A reduction in employees productivity
- An increase in resignations; and
- Adverse publicity or poor public image for ###

### **Complainant**

The employee who, allegedly, has been subjected to bullying or harassment.

### **Respondent**

The employee who, allegedly, has been exhibiting bullying or harassing behaviour.

## **PROCEDURES**

### Overview

1. All employees of ##### have the responsibility to assist in creating an environment in which bullying and harassment is minimised. Employees are expected to behave in a manner that does not escalate bullying and harassment, forewarn others of potential situations and behave in accordance with the ##### Code of Conduct Policy.

2. ##### will adopt a 'risk management' approach to reduce the likelihood and consequences of aggressive and violent behaviour. Hazards and/or incidents of bullying and harassment behaviours must be reported to ##### Risk Manager. All reported incidents will be investigated to identify the possible causes and to ensure controls have been developed and implemented to reduce the recurrence where possible.

In addition, all reported incidents will be reviewed and assessed by the Manager, Industrial and Workforce Relations in conjunction with the Risk Manager. Records will be analysed to identify trends and develop further strategies to reduce and prevent incidents.

3. Should the Fair Work Commission become involved that may include orders or formal written requests to the individual or group to cease the bullying and harassment and the monitoring of an employee's behaviour with a view to ensuring that policies and procedures are adhered to and necessary training and support are implemented. These procedures will need to be further supported by a final or interim outcome of any investigation. Evidence may also be requested to show a grievance or dispute resolution process.

4. Education and training will be provided to employees at orientation, outlining ##### policy regarding the management of occupational bullying and harassment in the workplace related to the support of service users. Additional training will be delivered as required and deemed necessary by ##### including protective behaviours, situational awareness and evasive techniques, service user behaviour management and communication.

5. Family members, volunteers and visitors are required to behave in an acceptable manner when dealing with employees and service users and are encouraged to actively participate in procedures and initiatives aimed at preventing and managing bullying and harassment.

6. In the event of family members, volunteers and/or visitors repeatedly displaying acts of bullying and harassment, aggression or violence towards a employee's member or service user the following measures may be taken once approved by the CEO or his/her representative. Those measures include, but are not limited to, a verbal or written request delivered by senior management to modify their behaviour together with the relevant ##### policy documents, development of a visitor contract, eviction from the premises or police contact.

7. ##### will endeavour to ensure the physical safety of employees and service users by minimising the consequences of potential bullying, harassment or aggressive behaviours.

8. After an event or incident of violence, bullying and harassment or aggression ##### may attempt to reduce the impact and prevent further occurrences by offering the following to the victim, witnesses and perpetrator

- Debriefing with senior management
- Counselling and medical treatment
- Implementation of grievance or disciplinary procedures
- Rehabilitation.

### **Complaint Process Options**

##### strongly encourages employees who feels they have been bullied or harassed, or have witnesses bullying or harassment taking place, to take action if they feel comfortable doing so. Any reports of bullying will be treated seriously and will be addressed promptly, confidentially and impartially.

**Direct Dialogue Process** If you believe that you are being subjected to a form of bullying, harassment or inappropriate behaviour, where possible, ask for the behaviour to stop. In many cases, when the other person becomes aware that their conduct is unwelcome, or is having a negative impact, he/she will stop the unwanted behaviour.

Speak to the person calmly and professionally. Describe the unwanted behaviour in specific, factual statements and ask for the unwelcome behaviour to stop.

If you feel unable to speak with the person directly, consider expressing your concerns confidentially to them in writing, ensuring that your communication is written professionally and respectfully.

## **Informal Resolution Process**

For a variety of reasons, sometimes an employee may wish to resolve their complaint on an informal basis. ##### will be able to assist in the informal resolution process by facilitating a meeting by an appropriately trained, impartial conciliator from within the organisation, who may be able to help the parties resolve the matters in question.

An informal resolution process aims to ensure that the bullying or harassment incident is resolved as quickly as possible. Although an employee has the right to make either a formal or an informal complaint, they should be encouraged to commence with the informal process first. This can usually achieve a more timely and satisfactory resolution for both parties.

No investigation or disciplinary action should be taken as a result of an informal complaint. Rather, a no-blame, conciliatory approach should be used to assist the individuals in reaching an outcome that will ensure appropriate conduct in the future. The main focus is to return the individuals to productive work without further interruption. No formal record will be placed on the relevant employees files should the matter have been resolved in such an informal manner.

Conciliation is a confidential process that only involves the conciliator and the affected employees. The purpose of conciliation is to provide a quick response to an incident by an impartial, appropriately skilled person.

## **Formal Investigation Process**

Should the Informal Resolution Process prove unsuccessful; an employee will be entitled to initiate a formal complaint and investigation process. To do so, the employee must provide a written complaint to their line manager. In the event that the allegation(s) may involve the line manager, the complaint should be submitted in writing directly to the CEO.

The letter of complaint should include the name of alleged respondent(s), the allegations of bullying or harassment and cite specific details of any incidents including dates, times, places, description of any efforts previously undertaken to resolve the concerns and, where applicable, the results.

This approach is to be overseen by an independent third party. Such an investigation involves a thorough information gathering process, objective analysis, determination of fact and conclusions regarding the allegations made in the complaint.

After the investigation is completed, a recommendation will be submitted to the CEO who will then decide on what further action needs to be taken

Immediate disciplinary action will be taken against anyone who retaliates or victimises the complainant.

If after an investigation it is found that the alleged conduct did not occur, or there is insufficient evidence that it did occur, the line manager or CEO will consider what further action needs to be undertaken.

## **Confidentiality and Privacy Confidentiality**

Confidentiality is beneficial to everyone involved, whether resolution is being sought through direct dialogue, informal resolution or a formal investigation process. It allows the parties to resolve issues in a private manner and protects them against unsubstantiated claims that might result in harmful gossip.

Every participant in the process is expected to maintain confidentiality throughout the process and thereafter.

#### **BREACHES OF THE POLICY PROCEDURES**

Any breaches of the Bullying and Harassment Policy Procedures could constitute a possible act of misconduct. Reference is accordingly made to the #### Employee Discipline and Termination Policy which outlines the relevant processes that may be followed if misconduct is suspected.