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# Workplace Bullying Policy

# TEMPLATE

1. **Purpose**

[ORGANISATION] is committed to preventing workplace bullying as part of providing a safe, healthy and productive work environment.

1. **Application**

This policy applies to behaviours that occur:

* In connection with work, even if it occurs outside normal working hours,
* During work activities,
* At work–related events, for example conferences and work-related social functions,
* On social media where workers interact with colleagues or clients.

This policy is to be made available to all workers including contractors.

1. **Definition**

Bullying at work occurs when:

* a person or a group of people repeatedly behaves unreasonably towards a worker or a group of workers at work; and
* the behavior creates a risk to health and safety.

Bullying does not include reasonable management action carried out in a reasonable way.[[1]](#footnote-1)

See further elaboration of this definition at Appendix 1.

1. **Policy**

 [ORGANISATION] expects its employees, board members, contractors, clients and the general public to:

* Behave in a responsible and professional manner,
* Treat all in the workplace with courtesy and respect,
* Listen and respond appropriately to the views and concerns of others.
* Be fair and honest in their dealings with others.

Workers are protected by this policy whether they feel bullied by a supervisor, Board member, another worker, contractor or member of the public.

## Relevant legislation

* Age Discrimination Act 2004
* Disability Discrimination Act 1992
* Fair Work Act 2009
* Racial Discrimination Act 1975
* [S](https://www.legislation.gov.au/Details/C2011A00040)ex Discrimination Act 1984

## Associated policies

* Code of Conduct
* Sexual Harassment Policy
* Workplace Grievance and Disputes Policy

## Authorisation

<Signature of Board Chair>

<Signature of Manager>
<Date of approval by the Board>
<Name of Organisation>

# Workplace Bullying Procedures

# TEMPLATE

## Responsibilities

It is the obligation and responsibility of every person to ensure that the workplace is free from bullying. The responsibility lies with every manager, supervisor, employee and volunteer to ensure that bullying does not occur in the workplace.

All workers have:

* an entitlement to work in a safe and healthy workplace and to be treated with dignity and respect
* an entitlement to make a complaint in respect of any bullying behaviour
* a responsibility to take reasonable care for their own health and safety
* a responsibility to ensure they do not promote or engage in bullying and otherwise take reasonable care that their acts or omissions do not adversely affect the health and safety of other people
* a responsibility to co-operate and comply with this policy and any other relevant policy.

It is the responsibility of all managers to ensure that:

* they understand, and are committed to, the right of all employees and volunteers to attend work and perform their duties without fear of being bullied in any form
* all reasonable steps to eliminate bullying are made so far as is reasonably practicable
* all applicable occupational health and safety legislation is observed
* all employees, volunteers, contractors and Board members are regularly educated and made aware of their obligations and responsibilities in relation to providing a workplace free from bullying
* they provide an environment which discourages bullying, and set an example by their own behaviour
* all complaints are treated seriously and confidentially
* they are as far as practicable aware of whether bullying is occurring, whether complaints are received or not, relying on such indices as:
	+ sudden increases in absenteeism
	+ unexplained requests for transfers
	+ behavioural changes such as depression
	+ sudden deterioration in work performance
* they take immediate and appropriate action if they become aware of any bullying or offensive behaviour
* any reported allegations of workplace bullying are promptly, thoroughly, and fairly investigated
* guidance and education is provided, where requested and/or appropriate, to cases and subsequent decisions relating to bullying
* ongoing support and guidance is provided to management, employees and volunteers in relation to the prevention of bullying
* this policy is displayed in the workplace and easily accessible to all workers and volunteers.

### Complaints procedures

If an employee, volunteer, contractor or Board Member feels comfortable in doing so, it is preferable to raise the issue with the person directly with a view to resolving the issue by discussion. The employee, volunteer, contractor or Board Member should identify the offensive behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stops.

If the behaviour continues, or if the employee or volunteer feels unable to speak to the person(s) directly, they should contact their supervisor or manager or any other manager with whom they feel comfortable. The manager or officer will provide support and ascertain the nature of the complaint.

### Informal intervention

The manager will explain the rights and responsibilities of the employee, volunteer, contractor or Board under the relevant policy and procedures.

Informal intervention may be done through a process of either mediation or conciliation. During informal intervention the respondent will be made aware of the allegations being made against them and given the right to respond.

Interventions at this stage should adopt a confidential, non-confrontational approach with a view to resolving the issue.

This procedure will be complete when the alleged harasser respects the individual’s request to cease unwanted and unwelcome behaviour, or when the complainant accepts that the behaviour is not properly described as bullying. If neither of these outcomes occurs, the [ORGANISATION’S] formal procedure should be followed.

### Formal complaints procedure

The [ORGANISATION’S] Workplace Grievance and Disputes Resolution Policy will be implemented where a formal approach is needed.

On the basis of the findings, possible outcomes of the investigation may include, but will not be limited to, any combination of the following:

* Counselling
* Disciplinary action (including an up to termination of employment)
* Official warning
* Formal apology and/or an undertaking that the behaviour will cease
* Mediation where the parties to the complaint agree to a mutually acceptable resolution.

On completion of the investigation, all parties will be informed about the investigation findings and the outcome of the investigation.

Following an investigation concerning a bullying complaint (irrespective of the findings), the manager concerned will:

* consult with the parties involved to monitor the situation and their wellbeing; and
* educate and remind all employees and volunteers of their obligations and responsibilities in relation to providing a workplace free from bullying

### Procedures for Dealing with Criminal Conduct

Some forms of severe bullying (physical attack, for example, or obscene phone calls) may constitute criminal conduct.

While [ORGANISATION] is committed to treat most complaints about bullying at an organisational level as far as possible, this type of conduct is not suited to internal resolution. Such complaints should be treated by the criminal justice system.

Complainants should be advised of the option of police support or intervention. It is not the obligation or duty of the organisation to report such matters to the police on behalf of the complainant.

## Authorisation

<Signature of Board Chair>

<Signature of Manager>
<Date of approval by the Board>
<Name of Organisation>

**Appendix 1 Further definitions of bullying behavior and reasonable management action**

**Bullying behavior may include, but is not limited to, any of the following types of behaviour:**

* Abusive, insulting or offensive language or comments
* Aggressive or intimidating conduct
* Belittling or humiliating comments
* Unjustified criticism or complaints
* Deliberately excluding someone from workplace activities
* Spreading malicious rumours
* Teasing and practical jokes
* Unreasonable work expectations, including too much or too little work, or work below or beyond a worker’s skill level
* Displaying offensive material
* Pressure to behave in an inappropriate manner

**Reasonable management action:**

* Reasonable management may include:
* Performance management processes
* Disciplinary action for misconduct
* Informing a worker about unsatisfactory work performance or inappropriate work behavior
* Asking a worker to perform reasonable duties in keeping with their job
* Maintaining reasonable workplace goals and standards.
1. This reflects the definition of workplace bullying at s.789FD of the *Fair Work Act 2009.* [↑](#footnote-ref-1)