



Bullying Policy

Wonthaggi Neighbourhood Centre at Mitchell House Inc. (WNC) is a non-profit, charitable organisation, based on community development principles, whose purpose it is to:

- *Provide a safe, welcoming and inclusive environment where people can meet to learn and share ideas, friendship, skills and information and improve social health and well-being.*

This central and fundamental purpose informs policy development and is reflected in all WNC policy documentation.

Introduction

Wonthaggi Neighbourhood Centre at Mitchell House (WNC) believes that all people should work in an environment free from bullying.

WNC understands that workplace bullying is a threat to the health and wellbeing of its staff and volunteers.

Accordingly, WNC is committed to eliminating, all forms of workplace bullying by maintaining a culture of openness, support, and accountability.

Purpose

The purpose of this document is to communicate that WNC does not tolerate any form of workplace bullying and to set out the process which is to be followed should any instances of workplace bullying be reported.

Definitions

Bullying

Bullying is defined under section 789FD of the *Fair Work Amendment Act 2013* (Cth) as when an individual or group of individuals repeatedly behave unreasonably towards a worker and that behaviour creates a risk to health and safety.

Bullying includes a range of behaviours such as:

- yelling, screaming or offensive language;
- excluding or isolating employees;
- psychological harassment;
- intimidation;
- assigning meaningless tasks unrelated to the job;
- giving employees impossible jobs;
- deliberately changing work rosters to inconvenience particular employees;
- undermining work performance by deliberately withholding information vital for effective work performance;
- constant unconstructive criticism and/or nitpicking;
- suppression of ideas; and
- overloading a person with work or allowing insufficient time for completion and criticising the employees work in relation to this.

Harassment

Harassment provisions are included across a range of legislation, including the following:

- section 28A of the *Sex Discrimination Act 1984* defines sexual harassment as when a person makes an unwelcome sexual advance, an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature in relation to a person. This occurs in circumstances where it is possible that the person harassed would be offended, humiliated or intimidated. Sexual harassment can be subtle and implicit rather than explicit;
- section 18C of the *Racial Discrimination Act 1975* prohibits offensive behaviour based on racial hatred. Offensive behaviour includes an act that is likely to offend, insult, humiliate or intimidate another because of their race, colour or national or ethnic origin; and
- section 25 of the *Disability Discrimination Act 1992* prohibits harassment in relation to an employee's disability.

There is equal opportunity legislation in each state and territory which also deals with sexual harassment at work.

According to the Australian Human Rights Commission, some examples of harassment include:

- telling insulting jokes about particular racial groups;
- sending explicit or sexually suggestive emails or text messages;
- displaying racially offensive or pornographic posters or screen savers;
- making derogatory comments or taunts about a person's disability; or
- asking intrusive questions about someone's personal life, including their sex life.

Workplace bullying can be carried out in a variety of ways including through email, text or social media channels.

Workplace bullying can occur between workers/volunteers (sideways), from managers to workers/volunteers (downwards), or workers/volunteers to supervisors/managers (upwards).

Reasonable management action is not considered to be workplace bullying if it is carried out lawfully and in a reasonable manner in the circumstances. Examples of reasonable management action include but are not limited to:

- setting reasonable performance goals, standards and deadlines
- deciding not to select a worker for promotion where a reasonable process is followed
- informing a worker about unsatisfactory work performance in an honest, fair and constructive way
- taking disciplinary action, including suspension or terminating employment.

Differences of opinion and disagreements are generally not considered to be workplace bullying.

Bullying that directly inflicts physical pain, harm, or humiliation amounts to assault and should be dealt with as a police matter.

Policy

WNC has a duty of care to provide a safe workplace, and ensure, that workers, volunteers and other people are not exposed to health and safety risks.

WNC accepts and acts on its duty of care. Any reported allegations of workplace bullying will be promptly, thoroughly, and fairly investigated.

Bullying complaints will be handled in a confidential and procedurally fair manner. Where confidentiality cannot be guaranteed this will be clearly communicated to the relevant parties.

All parties will be treated with respect.

The person against whom the allegation is made has the right to natural justice (the right to know what is alleged against them, the right to put their case in reply, and the right for any decision to be made by an impartial decision-maker).

Bullying Procedures

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, employee and volunteer to ensure that bullying does not occur in the workplace.

All workers and volunteers 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 and volunteers 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 or volunteer 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 or volunteer 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 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 or volunteer 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 formal complaint procedure involves a formal investigation of the complaint. Formal investigations may be conducted internally (by a manager or officer) or by an external investigator.

An investigation 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 investigator will make recommendations about resolving the complaint.

The investigator may need to interview the parties involved (which may include the complainant, the respondent, and any witnesses) to obtain information regarding the complaint. The investigator will comprehensively and accurately document all information obtained during the interviews including the parties involved, timing, location, and nature of conduct complained against.

If the investigator considers it appropriate for the safe and efficient conduct of an investigation, workplace participants may be stood down from work or provided with alternative duties during an investigation in which case they will be paid their normal pay during any such period.

Throughout the investigation process, all parties involved in the investigation will be regularly kept informed about the investigation.

The findings as to whether bullying has occurred will be determined on the basis of the evidence, and on the balance of probabilities.

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 Wonthaggi Neighbourhood Centre at Mitchell House (WNC) 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. Employees or volunteers 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.