

Anti-Bullying Policy

1. Purpose

Inala Community House is dedicated to ensuring the health and wellbeing of all persons at the workplace. ICH recognises that workplace bullying can affect the worker and other persons who witness this occurring.

2. Scope

This policy will apply to all Board members, staff, volunteers, students, trainees and contractors. For the purposes of this policy, these persons shall be referred to as workers.

3. Definitions

Workplace: includes a place where any employment-related activities or interactions between workers occur such as service delivery, conferences, meetings, training, work-sponsored functions and business trips. This includes any forum where there is communication or interaction between workers, such as social media, email or text messaging.

Workplace harassment (bullying): according to the *Fair Work Amendment Act 2013* is defined as '*repeated and unreasonable behaviour* by an individual towards a worker which *creates a risk to health and safety*'.

Repeated behaviour: refers to the persistent nature of the behaviour and can involve a range of behaviours over time. No determining numerical factor applies to this definition.

Unreasonable behaviour: is behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable; including behaviour that is victimising, humiliating, intimidating or threatening.

4. Policy

4.1 What is workplace bullying?

Workplace bullying (as defined in section 3) is repeated and unreasonable behaviour which creates a risk to health and safety. Bullying is a hazard which can adversely affect the psychological and physical health of a person. ICH seeks to have effective control measures in place to minimise this risk within the workplace.

Examples of behaviour (whether intentional or unintentional), that may be workplace bullying if they are repeated, unreasonable and create a risk to health and safety include, but are not limited to:

- abusive, insulting or offensive language or comments
- aggressive and intimidating conduct
- belittling or humiliating comments
- victimisation
- practical jokes or initiation
- unjustified criticism or complaints

- deliberately excluding someone from work-related activities
- withholding information that is vital for effective work performance
- setting unreasonable timelines or constantly changing deadlines
- setting tasks that are unreasonably below or beyond a person's skill level
- denying access to information, supervision, consultation or resources to the detriment of the worker
- spreading misinformation or malicious rumours, and
- changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers.
- overt negative body language that humiliates or intimidates
- excessive scrutiny or oppressive micro-management

If the behaviour involves violence, for example physical assault or the threat of physical assault, it should be reported to the police.

4.2 What is not workplace bullying?

4.2.1 Single incidents

A single incident of unreasonable behaviour is not workplace bullying, however it may be repeated or escalate and so should not be ignored.

4.2.2 Reasonable management action taken in a reasonable way

There are times where ICH may take reasonable management action to effectively direct and control the way work is carried out. It is reasonable for Managers and senior workers to allocate work, request a reasonable standard of work and to give fair and reasonable feedback on a worker's performance. These actions are not considered to be workplace bullying if they are carried out in a reasonable manner, taking the particular circumstances into account.

Behaviours which may be considered reasonable management action include:

- setting realistic and achievable performance goals, standards and deadlines
- fair and appropriate rostering and allocation of working hours
- transferring a worker to another area or role for operational reasons
- deciding not to select a worker for a promotion where a fair and transparent process is followed (whether temporary, acting or permanent)
- informing a worker about unsatisfactory work performance in an honest, fair and constructive way
- informing a worker about unreasonable behaviour in an objective and confidential way
- implementing organisational changes or restructuring, and
- taking disciplinary action, including suspension or terminating employment where appropriate or justified in the circumstances.

4.2.3 Unlawful discrimination and sexual harassment

Unreasonable behaviour may involve unlawful discrimination or sexual harassment which, by itself, is not bullying.

ICH has separate Anti-Sexual Harassment and Anti-Discrimination Policies which operate in conjunction with this policy.

4.2.4 Workplace conflict

Differences of opinion and disagreements are generally not workplace bullying. People can have differences or disagreements in the workplace without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. However, in some cases conflict that is not managed may escalate to the point where it becomes workplace bullying.

4.3 How can workplace bullying occur?

Workplace bullying can be carried out in a variety of ways including through verbal or physical abuse, through email, text messages, internet chat rooms, instant messaging or other social media channels or other platforms used by the organisation. In some cases, workplace bullying can continue outside of the workplace.

Workplace bullying can be directed at a single worker or group of workers and be carried out by one or more workers. It can occur:

- sideways between workers
- downwards from Managers or senior workers to workers, or
- upwards from workers to Managers or senior workers.

Workplace bullying can also be directed at or perpetrated by other people at the workplace such as clients, students, customers or members of the public.

4.4 Impact of workplace bullying

Workplace bullying can be harmful to the person experiencing it and to those who witness it. The effects will vary depending on individual characteristics as well as the specific situation.

There is a risk of workplace bullying wherever workers have contact with other people, including co-workers, Supervisors, clients and other visitors to the workplace. Workplace bullying is best dealt with by taking steps to prevent it before it creates a risk to health and safety.

4.5 Responding to Workplace Bullying

Workplace bullying may be identified and reported by those subject to the behaviour or by witnesses. A person can raise or report workplace bullying verbally or in writing by:

- informing a senior worker, Manager, HR or the Chief Executive Officer
- using other established reporting procedures (such as the *Grievance Policy and Procedure*)

A Manager or senior worker may also identify a risk of workplace bullying through changes in the workplace, for example increased absences, changes in workers' performance or low staff morale.

For ease of reading, references to 'reports of workplace bullying' in this policy are intended to encompass all of the ways in which bullying might be identified, raised or reported including verbally and in writing.

4.5.1 How to respond to a report of workplace bullying

Workplace bullying is best managed by responding as soon as possible after suspecting or becoming aware there is a problem. Responses to reports of workplace bullying will vary depending on the situation, the number of parties involved and the workplace.

In the first instance, attempts should be made to resolve the situation within the workplace, regardless of whether or not workplace bullying has occurred. A person may choose to resolve issues by self-managing the situation. This usually involves telling the other person the unreasonable behaviour is not welcome and asking for it to stop. If an individual does not feel safe or confident with approaching the other person they can seek the assistance of a senior worker or Manager or HR.

Anyone asked to act on behalf of an individual should use a confidential and non-confrontational approach.

In most circumstances, the person who is alleged to have perpetrated the bullying behaviour must be notified as soon as possible of the report and be given a chance to explain his or her version of events. They should be treated as innocent until the reports are substantiated.

Where internal processes are not effective, complainants may refer the complaint to external agencies.

4.5.2 The role of Managers and Senior Workers

Managers and senior workers should intervene when they observe unreasonable behaviour in their work teams or if they are requested to intervene by a member of their team. If a Manager or senior worker approaches an individual directly about their behaviour they should record the actions taken. Managers and senior workers should know how and when it is appropriate to seek advice or to escalate an issue.

4.5.3 Principles when responding to reports of workplace bullying

Effectively responding to issues when they are raised can stop the situation happening again and reinforce to workers that workplace bullying is treated seriously and consistently by the organisation. The following principles should be applied when handling reports of workplace bullying:

- Act promptly
- Treat all matters seriously
- Maintain confidentiality
- Ensure procedural fairness
- Ensure neutrality
- Support all parties
- Do not victimise
- Communicate process and outcomes
- Keep records

4.5.4 Balancing confidentiality and transparency

Both confidentiality and transparency are essential to maintain the integrity of the policies and procedures used to manage workplace bullying.

Confidentiality

Failure to maintain confidentiality can lead to workers mistrusting the reporting process. Confidentiality should be considered in what information, how and to who it is communicated. To limit breaches of confidentiality, measures include:

- discussing sensitive or private information with third parties only if they need to know,
- secure storage, coding and access to files and documentation on the workplace bullying report,
- conducting discussions in a private location, and
- choosing appropriate times or locations for printing, copying or disposing of materials.

It is important the parties involved in the complaint are instructed:

- to maintain confidentiality of all parties, the materials presented, discussed or submitted, and
- on how to maintain confidentiality, for example who they can and cannot speak to about the matter.

Ensuring confidentiality should not prevent the parties involved from seeking support, such as through ICH's employee assistance program or bringing along a support person to interviews or meetings.

Transparency for the parties involved

Transparency of the report handling process promotes accountability. It allows the parties involved to be fully informed about how the report is going to be handled. The parties should be made aware of:

- the steps and estimated timeframes for resolving or investigating the workplace bullying report
- the name and details of a contact person
- progress reports and an explanation for delays
- the outcome of actions taken and the reasons for decisions made, and
- the right of review if the parties are not satisfied with the outcome.

4.5.5 Actions after reports of workplace bullying are resolved

After a report of workplace bullying is resolved there should be a follow-up review to check the health and safety of the parties involved, to offer support and to find out whether actions taken to stop the workplace bullying have been effective. These may include:

- offering professional counselling
- providing mentoring and support from a Senior Manager
- providing training and relevant professional or skills development
- redressing inequality resulting from the bullying behaviour
- re-instating lost entitlements resulting from the bullying behaviour e.g. re-crediting leave
- monitoring behaviours of the affected work group, or
- organising work in another area of ICH.

4.5.6 Reviewing the systems of work

After addressing a specific case of workplace bullying, the work situation should also be examined to identify and address any underlying factors that may increase the risk of workplace bullying occurring. For example, review the systems of work including workloads and staffing levels and the effectiveness of procedures and training.

Keeping records on reports of workplace bullying and actions taken can be useful in analysing trends to help prevent bullying from recurring in the future. Records must remain confidential.

4.5.7 Vexatious Complaints

A vexatious complaint refers to a complaint made when the complainant does not have sufficient grounds for making the complaint, and is seeking only to annoy, intimidate, harass, or tarnish the reputation of the accused person or the organisation. The complaint may result in disciplinary action by the organisation if a vexatious or orchestrated complaint is substantiated.

5. Review

This policy should be reviewed every 2 years.

This policy remains in effect unless otherwise determined by resolution of the Board.

6. Related Documents

Policies

ICH Code of Conduct Policy
ICH Anti-Discrimination Policy
ICH Anti-Sexual Harassment Policy
ICH Grievance Policy
ICH Confidentiality Policy
ICH Psychological Health Policy
ICH Workplace Health and Safety Policy

Procedures

ICH Grievance Procedure

References

Work Health and Safety Act 2009
'Guide for Preventing and Responding to Workplace Bullying', Workplace Health and Safety QLD

Fair Work Amendment Act 2013