



## Work Place Bullying Policy

### Why

#### Policy Statement

Aims:

- to treat employees fairly and equitably in an environment free of workplace bullying.
- to foster a professional, open and trusting workplace.
- to ensure all staff are treated on merit by their managers, peers, direct reports and all other staff members.

Bullying has the effect of intimidation, offence or humiliation. Behaviour that may constitute bullying includes offensive language, overpowering communication, putting down techniques, retaining knowledge that should be shared.

#### Details

- A work environment is provided for all Staff that is free from bullying.
- Bullying is prohibited and will not be tolerated within the Business in any form of communication including oral, written or electronic including SMS, Email and Social Media.
- We will investigate legitimate bullying claims in line with the principles outlined within the Grievance Procedure.

Workplace bullying is the repeated less favourable treatment of a person by another or others in the workplace. Bullying is persistent unwelcome behaviour, mostly using unwarranted or invalid criticism, fault finding, exclusion or isolation.

Instances of workplace bullying have the deliberate intent of causing physical and psychological distress to others and can include behaviour that intimidates, offends, degrades or humiliates a worker, possibly in front of co-workers, clients or customers.

Bullying in the workplace can take place between:

- a worker and a manager (or supervisor),
- co-workers, including trainees,
- a worker and another person in the workplace, e.g. a client or a student.

It might include one of or a number of the following behaviours:

- manipulation,

- intimidation,
- belittling remarks,
- unreasonable persistent criticism which is not part of a managing performance process,
- loud and aggressive attacks or more subtle intimidation such as constant criticism of a trivial nature,
- verbal and physical abuse, for example, shouting and throwing objects,
- isolation from colleagues,
- refusing to delegate or the withholding of information employees need to perform their job,
- removing responsibility and/or imposing menial tasks.

Bullying does not include:

- occasional differences of opinion, and non-aggressive conflicts and problems in working relations,
- workplace counseling, managing under performance and other action in accordance with Workforce Extensions policy and procedures.

Behaviour will only be defined as bullying if a “reasonable person” observing the situation would consider it to be bullying. The reasonable person is defined as an objective third party.

### **Types of bullying**

Unwitting bullying (also including reactive or isolated instances of bullying) This type of bullying is where stressful circumstances, stemming either from the workplace or from personal issues results in a deterioration of workplace behaviour. In reaction, an employee may become short-tempered and irritable. When an employee under pressure reacts adversely, he or she will often recognise the inappropriateness of the behaviour. The employee should apologise and learn from the experience so that any adverse behaviour is avoided in the future. In some cases, the irritable employee may need to be counselled to understand that their behaviour is not acceptable.

If an employee continues to exhibit inappropriate behaviour over a period of time in response to stress, this type of behaviour may fall under the general bullying category. Serial bullying is the most serious type of workplace bullying. Serial bullying behaviour is identified when an individual targets a number of employees in succession.

### **Relevant legislation**

Workforce Extensions has a legal obligation to ensure that it provides a working environment that is free of any harassing, discriminatory or bullying behaviour. Workforce Extensions’ legal obligation extends to providing a work environment that promotes the health and wellbeing of all employees.

## **Effect of bullying on an individual**

The effects on the person experiencing bullying can include:

- severe psychological distress, sleep disturbances and general feelings of anxiety,
- physical symptoms such as stomach-aches, headaches and general ill-health,
- incapacity to work, reduced output and performance,
- loss of self confidence, self esteem and sometimes even suicidal behaviour.

## **Effects of bullying on the business**

The effects of bullying on the Workforce Extensions business can include:

- lower workplace productivity and efficiency,
- high staff turnover with resultant increase in recruitment and induction costs, as well as down time as replacement workers are trained in their new jobs,
- increased absenteeism and sick leave,
- the direct cost of dealing with complaints of bullying such as the cost of counselling effected workers, costs associated with legal action etc,
- stress related costs via the workers compensation system with resultant increases in insurance premiums and/or rehabilitation costs, poor morale.

## **Responsibilities of managers, consultants and supervisors**

Managers, consultants and site supervisors are responsible for ensuring that all employees understand that bullying is not tolerated in the workplace and for taking early corrective action to deal with behaviour which may be offensive or intimidating.

If a manager, consultant or supervisor feels that a reported incident might constitute bullying and that the nature of the complaint is outside their expertise, he or she will refer the matter to the Managing Director.

The prevention of all inappropriate behaviours including bullying requires managers, consultants and supervisors to:

- be aware of, identify and prevent bullying in the workplace,
- eliminate inappropriate behaviour regardless of whether a complaint is received about that behaviour,
- encourage all staff to behave in accordance with the principles of equal opportunity and anti discrimination,
- provide leadership and role modelling in relation to appropriate and professional behaviour in the workplace,
- respond promptly, sensitively and confidentially to all situations where inappropriate behaviour is exhibited or alleged to have occurred.

## **Employee and co-worker responsibilities**

The prevention of bullying requires employees to be responsible for the following actions:

- be aware of and identify bullying behaviour and where appropriate utilise Workforce Extensions and/or external mechanisms to stop any further instances of bullying behaviour,
- behave in accordance with the principles of equal opportunity and anti discrimination,
- if bullying behaviour is witnessed or experienced and the employee feels able, speak with the alleged bully to object to the bullying behaviour,
- offer to act as a witness if the person being bullied decides to report the incident,
- keep a record or diary of incidents noting what happened, when and the names of witnesses

### **What can you do if you are being bullied?**

An employee who experiences bullying can seek advice and assistance from any of the following contacts:

- Workforce Extensions Consultant
- Workforce Extensions Senior Management,
- Immediate supervisor, manager or team leader on site.
- Site contact officer

Bullying can result in trauma and stress for the person who is a target of inappropriate behaviour.

Employees who experience bullying can seek to resolve the situation informally or formally.

### **FAIR WORK COMMISSION**

From 1 January 2014, a worker, for example an employee, contractor, apprentice or volunteer who reasonably believes they have been bullied at work may apply to the Fair Work Commission for an order to stop the workplace bullying.

Such workers should contact the Fair Work Commission to find out if they are eligible to apply for an order. The Fair Work Commission will only make an order if satisfied the worker has been bullied at work by an individual or a group of individuals and there is a risk that the worker will continue to be bullied at work.

The Fair Work Commission will take into account:

- Internal procedures available to resolve grievances and disputes at the workers' workplace.
- Final or interim outcomes arising from an investigation undertaken by the worker's employer or other body, and any other matters the Fair Work Commission considers relevant.

### **Informal complaints procedure**

Employees should contact their Site Supervisor, Manager or Workforce Extensions Consultant to discuss an informal complaint procedure.

- Informal mechanisms may include a local management strategy to raise awareness or education session in relation to appropriate behaviour in the workplace.
- Informal resolution may also include local mediation between parties at the workplace where appropriate. Mediation is usually only appropriate for cases of unwitting bullying, and is not appropriate for serial bullying.
- Alternatively, an employee may ask their manager, Workforce Extensions consultant or supervisor to speak to the alleged bully on their behalf.
- The supervisor, manager or Workforce Extensions consultant will privately convey the employee's concerns and reiterate the Workforce Extensions workplace bullying policy without assessing the merits of the case.
- A supervisor, manager or Workforce Extensions consultant who observes unacceptable conduct occurring may take independent action even though no complaint has been made.

### **Contact officers**

The role of the Contact Officers involves:

- assisting to clarify whether the behaviour could be described as bullying,
- discussing methods for the problem to be resolved either informally or through a formal complaints procedure,
- remaining neutral as the focus is on reconciliation of a dispute and not siding with one party against the other.

### **Formal complaints**

This procedure assumes that informal resolution of the bullying complaint has been unsuccessful or is inappropriate.

- A formal complaint of bullying will need to be in writing and should be made to the Manager, of the relevant Workforce Extensions office.
- The Manager, will determine the kind of investigation to take place and will then submit a confidential written report to the Managing Director of the (Site) and the Managing Director of the relevant Workforce Extensions office.
- The Managing Director/s will then take appropriate remedial and/ or disciplinary action.
- All parties to the complaint will be advised of the outcome.
- All parties will be given a right of appeal.

### **Options for remedies**

The Managing Director/s shall determine appropriate action as a result of investigation. If someone has a complaint made against them and is found to have bullied the complainer, disciplinary action will follow. The disciplinary action will depend on the circumstances of the case, but can range from counselling the offender to termination of the offender's employment.

### **Confidentiality**

An accusation of bullying can be potentially defamatory, especially if confidentiality is not observed and a person's reputation is unfairly damaged. Discussions, information and records related to complaints will remain factual and confidential.

All documentation and details of bullying enquiries and grievances will be kept securely by the Manager, Human Resources.

### **Victimisation**

Victimisation as a result of reporting workplace bullying is regarded as a serious breach of conduct and will automatically result in a formal investigation, which if proven, may result in disciplinary action being taken against the perpetrator, which may include termination of employment.

### **Principles**

The principles which apply to the workplace bullying complaints procedure are:

- Everyone has a right to be treated with respect,
- Everyone has a right to "due process" i.e. the person against whom the allegation is made has the right to know what is alleged against them, the right to put their case in reply, the right for any decision to be made by an impartial decision maker, and the right to an appeal against a decision,
- Complaints will be treated in confidence and where confidentiality cannot be guaranteed this will be clearly indicated,
- Access to counseling for effected workers,
- All incidences of bullying will be dealt with promptly, thoroughly, fairly and confidentially,
- Workforce Extensions is under a legal obligation of a duty of care to provide a safe workplace. Any incidences of workplace bullying that are reported must be investigated, sometimes informally in the first instance, and formally if required in order to comply with this duty of care. Workforce Extensions accepts and acts on its duty of care.

Making false or malicious complaints of bullying will also be regarded as a serious disciplinary offence, which if proven, may result in disciplinary action being taken.