



Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation

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Workplace bullying policy

To provide an environment at Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation that is free from workplace bullying. To ensure that all staff are educated in the prevention of workplace bullying and to recognise the behaviours that may constitute workplace bullying. It is a criminal act to use the internet, social media, telephone to menace, harass or cause an offence.

Harassment officer:

Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation has one appointed harassment officer Bernard Sabadi.

Introduction:

Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation is committed to providing a safe workplace free from workplace bullying. Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation considers workplace bullying an unacceptable form of behaviour which will not be tolerated under any circumstances.

Workplace bullying:

Bullying is described as repeated and or unreasonable behaviour directed toward an employee, or group of employees, that creates a risk to health and safety. "Unreasonable behaviour" means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten. "Behaviour" includes actions of individuals or a group and may involve using a system of work as a means of victimising, humiliating, undermining or threatening.

What is workplace bullying?

Workplace bullying is conduct of treatment or mistreatment or unfairness or bias that is unwelcome. Workplace bullying can be physical, verbal or written. It involves behaviour that could reasonably be expected to make a person feel offended, humiliated or intimidated. Even if the behaviour is not intended by the individual to be workplace bullying, it may still be unlawful.

Workplace bullying can be physical, verbal or visual and may include statements or transmissions by phone, SMS, fax, video conference, internet and email (cyber), and will vary in the degree and extent to which it causes affront and distress. All employees regardless of gender can be subjected to workplace bullying from either persons of the same or opposite gender.

Workplace bullying is not solely to the capacity of persons in positions of authority to influence

others and is a factor that will be taken into account in the management of any workplace bullying allegation.

It is not the intention of this policy to interfere in personal lives and relationships. However, an employer has an obligation to ensure that workplace bullying does not occur and that professional standards of conduct are maintained in the workplace. The effect of workplace bullying on those people involved and on the workplace as a whole can range from annoyance to deep distress and can lead to an intimidating, hostile and offensive work environment. This can contribute to reduced quality of work, low productivity, distraction from work, low morale, absenteeism, poor health and high staff turnover. Workplace bullying can deny people their entitlement to the quiet enjoyment of life in the workplace.

Examples of behaviour that could be bullying include:

1. Psychological harassment;
2. Excluding someone from workplace activities;
3. Assigning trivial tasks unrelated to the person's job;
4. Giving someone the majority of unpleasant or impossible tasks;
5. Deliberately withholding information that is important for the effective performance of the person's job;
6. Verbal abuse;
7. Humiliating someone through sarcasm or insults;
8. Intimidation;
9. Physical abuse or attack;
10. Comments about a person's physical appearance;
11. Comments of a bias nature;
12. Physical contact;
13. Threatening action;
14. Repeated unwanted requests for performance in the workplace without correct performance management;
15. Making promises or threats;
16. Workplace jokes, offensive telephone calls, displays of offensive photographs, reading matter or objects;
17. Sending jokes or graphics of a derogatory nature by email, phone, SMS, internet or fax;
18. Unwelcome questioning about a person's private life;
19. Offensive computer screen savers.

Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation has a zero tolerance bullying policy. Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation is committed to providing all employees with a healthy and safe work environment free from bullying. This includes taking all measures possible to prevent workplace bullying.

Bullying is a breach of the duties of care owed by both employer and employee and persons held accountable for such behaviour can face prosecution under the

QLD - Work Health and Safety Act 2011

Criminal offences:

Workplace bullying in certain circumstances constitute a criminal offence. Workplace bullying can include inappropriate touching and inappropriate verbal comments concerning people in the workplace and members of the public. Workplace bullying involving physical or indecent assault, stalking, making nuisance phone calls or the sending of obscene material using mail, email or the internet, may be an offence under criminal law. Allegations of this nature must be reported to the police. The employer must ensure that any investigation is not interfered with or compromised in any way.

Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation's commitment:

Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation is committed to the elimination of workplace bullying. We are committed to:

1. Facilitating access to workplace bullying training.
2. Providing support for managing complaints.
3. Reviewing and updating policies in consultation with relevant stakeholders.
4. Maintaining Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation's commitment to its relationship with the Equal Opportunity and Human Rights Commissions in promoting harassment free workplaces.
5. The responsibility for providing a working environment free from workplace bullying and workplace bullying.
6. Under the Equal Opportunity Act 2010, the business may be held to be vicariously liable for the actions of their employees and agents unless they can demonstrate that they have taken all reasonable steps to prevent the conduct from occurring. An employer is required to take action if aware of any behaviour which could constitute workplace bullying, even if no complaint has been lodged. Staff and other persons can be liable for the actions of others if they authorise, encourage or assist workplace bullying. In some circumstances, inaction can amount to implicit authorisation.
7. Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation is committed to ensuring that all persons in the workplace are aware of their rights and obligations with respect to workplace bullying and is committed to providing staff with appropriate training and access to information and services.
8. Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation has appointed a harassment manager who can provide information and support in relation to workplace bullying and support any prospective complainant.

Roles and responsibilities:

The responsibilities of all employees are:

1. Modelling appropriate behaviour;
2. Monitoring the working environment to ensure as far as practicable that acceptable standards of conduct are maintained at all times and that workplace bullying is not tolerated;

3. Promoting awareness of the avenues for advice and the complaints procedures with respect to workplace bullying as set out in this policy;
4. Treating seriously complaints and behaviour which may constitute workplace bullying and taking immediate action;
5. Treating complaints of workplace bullying with appropriate confidentiality;
6. Ensuring that a person is not victimised for making, or being involved in, a complaint of workplace bullying;
7. Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation is to provide information and support to complainants or respondents (the contact person should not provide support to a complainant and a respondent involved in the same matter);
8. Referring to this policy in staff codes of conduct;
9. If applicable, where an allegation involves a minor, ensuring that an appropriate network of support, guidance, counselling and liaison with parents/guardians is established in accordance with duty of care obligations.
10. Comply with the Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation workplace bullying policy.
11. Participate in any training provided by Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation, including understanding the completing the workplace bullying policy.
12. Treat information in relation to workplace bullying allegations with appropriate confidentiality.
13. Be familiar with the workplace bullying policy including the procedures for dealing with allegations of workplace bullying.
14. Understand the negative effects that workplace bullying can have in the workplace, and particularly the effect that making a complaint can have.
15. The company is a point of contact for a person considering making a complaint or seeking information about workplace bullying.
16. Provide the complainant with information about the various options and avenues for advice and the complaints procedures.
17. Understand that the role of the contact person is to provide information and support to the complainant, and does not extend to investigation, conciliation, making a judgement about what constitutes workplace bullying, or other intervention.

Fairness:

The manager must ensure that every complaint is dealt with in a manner that is both procedurally and substantively fair. The principles of natural justice to be observed include:

1. The right of each party to be heard;
2. The right of each party to be treated fairly;
3. The right of the respondent to have a witness or support person, who may be a union representative, present at any meetings;
4. The right of the respondent to know the allegations made against them;
5. The right of the respondent to respond to the allegation(s) made against them;

6. The right of both parties to a decision maker who acts fairly and in good faith.

Counselling:

If at any stage throughout the procedure the complainant or respondent or any other person requires counselling, contact should be made with the harassment officer or work safe or other authorities.

Happy HR grievance process:

Complaints can be submitted to the authorised chosen manager using the HAPPY HR grievance process on the employee dashboard. The process is:

1. Manager will interview the complainant. The employee is permitted to bring a support person to the interview and all future meetings and discussions related to the grievance raised. The responsible manager may also be present at this meeting.
2. Manager will meet with the individual who has had a complaint raised against them and a written summary of the complaint will be given to that person. They will be provided with an opportunity to respond in another interview with management.
3. Statements from witnesses and other relevant evidence may be obtained.
4. Manager will make a recommendation to the responsible Manager and / or Director or relevant senior manager as to whether the complaint has substance based on the available evidence. This is done in a report documenting the investigation process, the evidence, the finding, and a recommended outcome.
5. The responsible manager is required to formally report what action has been taken to resolve the issue within **5 business days**. This will be recorded in the official log and the complainant notified on the action taken.
6. Management may act on the recommendation given by the Director or relevant senior manager or after due consideration, decide on an alternative course of action.
7. Follow up of the matter will be conducted within two to four weeks, depending on the severity of the matter.
8. Where the review reveals the complaint has not been rectified, the matter will be escalated to the appropriate authority.
9. The complainant may withdraw the complaint. However, as the company has a legal obligation to maintain a harassment free workplace. The company will, at its discretion, further investigate the complaint to determine if there is a risk to the health and well-being of its staff.
10. If the complaint is substantiated, the possible outcomes can range from an apology, counselling of the person against whom a complaint is found, to disciplinary action, which can range from transfer to an alternative position, a written warning, BPIP plan a first and final warning, to termination of employment.
11. If the complaint is found to be unsubstantiated, no further action will be taken unless it is found that the complaint was made vexatiously or was knowingly false, in which case disciplinary action may be taken against the complainant.

12. At the conclusion of the process, the Director or relevant senior manager will follow up with the parties to ensure the offending behaviour has stopped and that neither party has been victimised.

Other options:

The complainant has the right to make a complaint to Worksafe, the Human Rights and Equal Opportunity Commission or appropriate authorities if they feel that the matter has not been handled in accordance with this policy or feel that the company has been unjustly biased.

Discipline under this policy:

Management of Deadly Inspiring Youth Doing Good Aboriginal & Torres Strait Islander Corporation has the responsibility of overseeing this policy. Supervisors and managers will ensure employees are compliant with all areas of this policy, including any disciplinary action resulting from non-compliance.