

## POLICY: WORKPLACE BULLYING

This policy seeks to develop a supportive workplace with policies and procedures that provide a clear statement of Accrete’s expectations of its staff in respect of conduct that may constitute workplace bullying.

Accrete is committed to providing a workplace that is free from bullying. All Staff have a right to work in an environment free from bullying, and to be treated with dignity and respect. All managers and supervisors are responsible for actively intervening to prevent and stop any bullying behaviour that is occurring in their workplaces, whether or not a complaint is received. Accrete provides these procedures by which all staff can have any complaint of workplace bullying addressed. All staff have a right to use the procedures in this policy if they believe they have experienced bullying.

### Application of Policy

This policy applies to all staff members.

### What is and is not Bullying?

Bullying is defined as repeated and unreasonable behaviour directed towards a person, or a group of people, that creates a risk to health, safety and well-being. Bullying hampers productivity by creating dysfunction and damaging morale within work environments. It includes behaviour that intimidates, offends, degrades or humiliates another person, including by electronic means such as email, notice boards, blogs and social networking websites.

Examples of behaviours that may amount to bullying include:

- Intimidation;
- Verbal abuse or threats, including yelling, screaming or offensive language;
- Excluding or isolating people from workplace activities;
- Assigning impossible tasks, meaningless tasks unrelated to the job, or giving someone the majority of unpleasant tasks;
- Undermining responsibility;
- Deliberately changing work rosters to inconvenience particular staff members;
- Withholding information essential to do a task properly;
- Copying emails that are critical about someone to others who do not need to know;
- Making threats or comments about job security without foundation;
- Spreading malicious rumours;
- Cyber bullying; and
- Physical abuse.

The following behaviours do not constitute bullying:

- Reasonable management practices, including performance management and disciplinary procedures;
- A direction to carry out reasonable duties and instructions; and
- A direction to comply with University rules, resolutions and policies.

### Vexatious claims and claims made without reasonable cause:

Staff members should not raise allegations which are vexatious or without reasonable cause. ‘Vexatious’ means that the main purpose of a claim is to harass, annoy or embarrass the other party; or there is another purpose for the grievance other than the settlement of the issues arising in the claim (or response).

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‘Without reasonable cause’ means that a claim is made without there being any real reason, basis in fact(s) or purpose. Such claims include allegations that are: so obviously untenable that the claim cannot possibly succeed; manifestly groundless; and/or insufficiently particularised.

Where a claim is determined as vexatious or made without reasonable cause, the staff member who raised the complaint will receive written notification of the determination which will include reasons as to why the complaint was deemed as vexatious and/or reasonable cause.

### Application of policy

Accrete aims to ensure that:

- bullying complaints are addressed sensitively, promptly and in accordance with relevant policy and the principles of natural justice;
- all reasonable steps are taken to respect the confidentiality of the people involved in a complaint;
- fairness and impartiality prevail throughout the appropriate resolution process;
- until a bullying complaint is investigated and a decision is made, a complaint shall be considered an allegation and not a fact;
- appropriate records are maintained throughout the resolution process;
- persons who notify a bullying complaint are protected from victimisation or reprisal; and
- persons who notify a bullying complaint are regularly informed of the progress of the matter and of the consequences of any finding i.e. whether or not the grievance is substantiated.

### Procedure - Informal

1. In the first instance Accrete encourages an informal, peer to peer resolution of bullying in the workplace. This means that the person with the complaint should, if possible, raise the matter directly with the person being complained about in an effort to resolve the matter.

### Procedure - Formal

2. Where the attempt to informally resolve the matter fails or is not appropriate, staff should discuss the matter with management including a report on their attempt to resolve the issue. Management will then review the allegations and respond to the staff member who raised the complaint.
3. If the complaint is dealt with formally, Accrete will aim to ensure:
  - a. Before a complaint is investigated, the person making the complaint relevantly describes their allegations (in most instances, but not all, this will need to be in writing), including particulars of the allegations so that they can be investigated appropriately;
  - b. The person against whom the allegations are made is provided with a copy of the allegations that will be investigated; and
  - c. All parties are informed in writing of the outcomes of any investigative process.

### Outcome and Referral

If a bullying complaint is investigated and findings are made that substantiate any or all of the allegations made, management shall take appropriate action to prevent any behaviours that are identified as bullying. This may include, but is not limited to:

- Requiring the individual or group of individuals to stop the specified behaviour(s);
- Regular monitoring of behaviours;
- Requiring compliance with this policy and any other relevant Accrete policy; and
- Provision of information, additional support and training of relevant staff.

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Management may also:

- Counsel the staff member involved on their behaviour and the findings made as a result of the investigation;
- Commence disciplinary action, which could lead to disciplinary action being taken, including termination of employment;
- Take some other form of appropriate action; or
- Take no further action.

This policy in no way limits a staff member's rights, including their access to a State based WorkCover Authority and/or the Fair Work Commission or any other jurisdiction (court or tribunal).

### **Confidentiality and victimisation**

The parties to a bullying complaint are required, at all stages of this policy and procedure, to maintain confidentiality in relation to the concern or complaint. The parties must not disclose, by any form of communication, either the fact or the substance of the allegations or issues to anyone other than an advocate, staff or a qualified counsellor.

A person must not victimise or otherwise subject another person to detrimental action as a consequence of that person raising, providing information about, or otherwise being involved in the resolution of a complaint under these procedures.

Any breach of either the confidentiality or non-victimisation requirements will be treated seriously by Accrete, and may result in disciplinary action.

### **Policy Review**

Accrete may make changes to this policy and procedure from time to time to improve the effectiveness of its operation. In this regard, any staff member who wishes to make any comments about this Policy may forward their suggestions to the CEO. Any staff member who requires assistance in understanding this Policy should contact the CEO.

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### APPROVAL

Policy applies to	All staff	Approval date	7 December 2017
Approval authority	CEO	Signature	
Date of Last Revision	7 December 2017	Date of Review	2 February 2018

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