



## Mitcham Community House

# Workplace Bullying Policy

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Policy number	HR 1	Date approved	15 February 2017
Draft number	Final	Scheduled review date	15 February 2019

### INTRODUCTION

Mitcham Community House believes that all people should work in an environment that is free from workplace bullying. Mitcham Community House understands that workplace bullying is a threat to the safety, health and wellbeing of its staff, tutors and volunteers.

Accordingly, Mitcham Community House is committed to providing, so far as is reasonably practicable, a place that is free from workplace bullying by maintaining a culture of respect, support, and accountability.

This policy applies to all people at Mitcham Community House, including, but not limited to, the Committee of Management (the Committee), staff, tutors, volunteers, and others in the workplace, such as students and clients.

### PURPOSE

The purpose of this policy is to:

- Communicate that Mitcham Community House does not tolerate any form of workplace bullying
- Outline Mitcham Community House's responsibilities regarding workplace bullying
- Set out the processes to be followed should any instances of workplace bullying be reported or witnessed

### POLICY

Mitcham Community House is committed to ensuring that inappropriate behaviours, which constitute workplace bullying and create a risk to health and safety, are not tolerated.

This policy applies to inappropriate behaviours that occur:

- In connection with work, even if it occurs outside normal working hours, days or location
- During work activities
- At work-related events, for example, at conferences or social functions
- On social media, text messaging and email where workers interact with colleagues and their actions may affect them either directly or indirectly

## What is bullying?

Workplace bullying is repeated and unreasonable behaviour directed towards a worker or a group of workers at work that creates a risk to health and safety. Repeated behaviour refers to the persistent nature of the behaviour and can refer to a range of behaviours over time. Unreasonable behaviour is behaviour that a reasonable person, having considered the circumstances, would see as unreasonable.

Behaviour, whether intentional or unintentional, that constitutes workplace bullying includes:

- Abusive, insulting or offensive language or comments
- Aggressive, intimidating or threatening conduct
- Constant criticism or denigration of employee(s) in front of others
- Continual unjustified and unnecessary comments about an employee to devalue their work
- Emotional blackmail
- Humiliating or victimising conduct
- Practical jokes or initiation
- Malicious sarcasm
- Phone calls, letters or emails which are threatening, abusive or offensive
- Restrictive and petty work rules
- Unjustified criticism or complaints
- Unreasonable demands and impossible targets whereby an employee is being intentionally overworked and being forced to stay back or perform additional tasks
- Spreading misinformation or malicious rumours
- Unnecessary intrusion into the personal relationships of an employee
- Deliberately excluding someone from workplace activities or ignoring an employee or group of employees from normal conversation, work assignments, work-related social activities and networks
- Withholding information that is vital for effective work performance
- Denying access to information, supervision, consultation or resources to the detriment of the worker
- Unreasonable treatment in relation to accessing entitlements, such as leave or training
- Interfering with someone's personal property or work equipment

Single incidents of inappropriate behaviour can also present a risk to health and safety and will not be tolerated by Mitcham Community House.

### **What is not bullying?**

Reasonable action taken by management is not bullying, when the action taken is reasonable and the action taken is conducted in a reasonable manner.

Some examples include:

- Reasonable performance management
- Transferring a worker for operational reasons
- Rostering and allocating working hours where the requirements are reasonable
- Informing a worker about unsatisfactory work performance in an honest, fair and constructive way
- Informing a worker about inappropriate behaviour in an objective and confidential way
- Implementing organisational changes or restructures
- Deciding not to select a worker for promotion where a reasonable process is followed
- Disciplinary action, including suspending or terminating employment or volunteering

Additionally, a genuine difference of opinion or approach and behaviour that does not create a risk to health and safety is not bullying.

### **Reporting incidents of bullying**

Inappropriate behaviours related to workplace bullying can be reported verbally or in writing to the Manager or appropriate Committee member if the incident involves the Manager, or by using Mitcham Community House's Complaints Handling Policy.

The person making the complaint (called the complainant) has the right to determine how to have the complaint treated, the right to have support or representation throughout the process, and the option to discontinue the complaint at any stage of the process.

If someone witnesses inappropriate behaviour related to workplace bullying at Mitcham Community House, they have a responsibility to report it.

### **Responding to reports of bullying**

Where inappropriate behaviours related to workplace bullying are reported or witnessed, Mitcham Community House will take the following action:

- Any reported complaints of inappropriate behaviour will be dealt with by Mitcham Community House promptly, impartially, confidentially, and within established timeframes to comply with legislative and guideline requirements

- The Manager or Committee member will speak with all parties involved as soon as possible, collect information, and seek a resolution to satisfactorily address the issue/s for all parties
- All parties will be treated with respect and all parties will be able to state their case
- The person responding to the complaint (called the respondent) will have the right to have support or representation present when responding to the allegations made
- Relevant information will be collected and considered before a finding is made
- If the issue/s cannot be resolved or the inappropriate behaviour is considered to be of a serious nature, an impartial person will be appointed to investigate
- All parties will have the right to seek the advice of an external body to assist them to resolve the issue/s
- There will be no victimisation of the complainant or the person/s attempting to resolve the complaint
- Reports of inappropriate behaviour made maliciously or in bad faith may result in disciplinary action

### **Breach of this policy**

Appropriate disciplinary action will be taken against a person who is found to have breached this policy. The action taken will depend on the nature and the circumstances of the breach and may include:

- A verbal or written apology
- A verbal or written reprimand
- One or more parties agreeing to participate in training, counselling or mediation
- A transfer, demotion or dismissal of the person who engaged in the inappropriate behaviour

Anyone who victimises or retaliates against a complainant will be subject to disciplinary action.

Where reported complaints of inappropriate behaviour cannot be substantiated or where investigations identify that workplace bullying has not occurred; Mitcham Community House may still take appropriate action to address any issue/s leading to the making of the complaint.

### **RELATED DOCUMENTS**

- Code of Conduct Policy
- Complaints Handling Policy
- Disability Action Plan
- Equal Opportunity Policy
- Occupational Health and Safety Policy
- Privacy Policy
- *Neighbourhood and Adult Community Education Centres Collective Agreement 2016.*



## Mitcham Community House

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### RESPONSIBILITIES

The Committee will:

- Ensure that there are appropriate resources, systems and processes, so far as is reasonably practicable, to provide and maintain an environment that is free from workplace bullying
- Ensure that there is in place appropriate systems and processes to receive, manage and promptly respond to reports of workplace bullying incidents and risks
- Ensure that there is in place systems and processes to comply with the duties and responsibilities under law
- Ensure that anti-bullying principles are integrated into strategic plans and that a proactive approach is taken to compliance and improvements

The Manager will:

- Ensure that risk management strategies are reviewed and assessed to identify any foreseeable workplace bullying risks at Mitcham Community House and develop, document, implement and monitor any gaps in the systems and processes
- Review and report to the Committee, as appropriate, on the effectiveness of the management systems established to prevent workplace bullying
- Ensure that systems and processes to receive, manage and promptly respond to reports of workplace bullying incidents and risks are implemented
- Respond to any reported complaints of workplace bullying promptly, impartially, confidentially, and within legislative timeframes
- As far as is reasonably practicable, be aware of whether workplace bullying is occurring, whether complaints are received or not, by relying on such indicators as –
  - Sudden deterioration in work performance
  - Behavioural changes, such as depression
  - Sudden increases in absenteeism

- Unexplained requests for transfers
- Inform and train staff, tutors and volunteers in this policy and its procedures
- Ensure that this policy is placed on the IT repository and easily accessible to all
- Explore funding opportunities and provide ongoing education, support and guidance to the Committee, staff, tutors and volunteers in promoting anti-bullying principles

All staff, tutors and volunteers will:

- Ensure they are aware of, and comply with, this policy and its procedures
- Engage in behaviours that promote anti-bullying principles
- Where appropriate, suggest ways in which systems, procedures or practices could be improved so as to promote anti-bullying principles
- Report all incidents of workplace bullying to the Manager

## **PROCESSES**

### **Complaints procedure**

Where the complainant feels comfortable doing so, it is preferable to raise the issue/s with the person directly to resolve the issue/s through discussion. The complainant should identify the inappropriate behaviour, explain to the person that their behaviour is unreasonable and ask that their behaviour stops, then make a note of the incident.

If the behaviour continues, or if the complainant feels uncomfortable speaking to the person directly, they should contact the Manager or appropriate Committee member if the complaint is against the Manager

The Manager or Committee member will ascertain the nature of the complaint and provide support.

### **Informal intervention procedure**

Informal intervention is confidential and will adopt a non-confrontational approach to resolving the issue/s through mediation or conciliation.

During informal intervention, the respondent will be made aware of what is alleged against them and will have the right to respond.

Informal intervention will be completed when the respondent respects the complainant's request to stop the inappropriate behaviour, or when the complainant accepts that the behaviour does not properly constitute workplace bullying.

If neither of these outcomes occurs, Mitcham Community House's formal complaints procedure will be followed.

## **Formal complaints procedure**

The formal complaints procedure involves a formal investigation of the complaint. Formal investigations may be conducted internally by the Manager/Committee member or externally by an investigator.

Formal investigations involve collecting information about the complaint and making a finding based on the available information to determine whether or not the alleged behaviour occurred. Once a finding is made, the investigator will make recommendations about how to resolve the complaint.

The investigator may need to interview all parties involved (including any witnesses) to obtain information about the complaint. Throughout the investigation, all parties involved will be kept regularly informed about the investigation.

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

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

On the basis of the findings, possible outcomes of the investigation may include:

- A formal apology or undertaking that the behaviour will stop
- An official warning
- Counselling
- Disciplinary action, including termination of employment or volunteering

On completion of the investigation, all parties involved will be informed about the findings and the outcome of the investigation.

Following the investigation, irrespective of the findings, the Manager will:

- Consult with all parties involved to monitor the situation and their wellbeing
- Educate and remind all staff, tutors and volunteers of their responsibilities in providing a workplace free from bullying

## **Criminal conduct procedure**

Some kinds of workplace bullying are considered to be serious in nature and may amount to criminal conduct, for example, assault or obscene communications.

Whilst Mitcham Community House is committed to treating most workplace bullying complaints at an organisational level, these kinds of conduct are best dealt with by the criminal justice system.

Staff, tutors and volunteers will be advised of the option to contact police for intervention or support. It is not the responsibility of Mitcham Community House to report such matters to police on behalf of the complainant.

RELATED DOCUMENTS

**AUTHORISATION**

Signature of Committee Chairperson	
Date of approval by the Committee	