<<ClientLogoSmall>>

Workplace Bullying Policy

1. Introduction
   1. Title

This is the <<ClientName>> (**Company**) Workplace Bullying Policy (**Anti Bullying Policy**).

* 1. Purpose

The purpose of the Anti Workplace Bullying Policy is to make you aware of:

* 1. what 'bullying' means;
  2. the procedures the Company has in place to deal with workplace complaints relating to bullying; and
  3. who you can talk to at the Company if you wish to make a complaint about bullying.
  4. Who does this Anti Bullying Policy apply to?

This Anti Bullying Policy applies to all of the Company's workers (which includes employees, contractors, sub-contractors, labour hire employees, apprentices, trainees or volunteers) (**Workers**) and applies to behaviour:

* + 1. in the workplace, including when working outside normal working hours;
    2. while undertaking work activities, including interactions with third parties and while working away from the Company's premises;
    3. at work-related events, including conferences and social functions (including while undertaking business trips); and
    4. outside of work hours, if that interaction involves other Workers, including where interaction is through email, text messaging or social media.
    5. The Company and everyone else at the workplace has a work health and safety duty, and can help to ensure workplace bullying does not occur. Legal claims can separately be taken against Workers themselves in relation to bullying and, in some jurisdictions, criminal charges can be laid against a Worker in relation to serious bullying (which could include imprisonment or fines).
  1. Status of Anti Workplace Bullying Policy

The policies and procedures in this Anti Workplace Bullying Policy are not a term of any contract, including any contract of employment and do not impose any contractual duties, implied or otherwise, on the Company. The policies and procedures contained in this Anti Workplace Bullying Policy may be varied from time to time by the Company in its sole discretion.

1. Bullying
   1. What is bullying?

Workplace bullying is repeated and unreasonable behaviour directed toward a Worker or group of Workers that 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.

*Unreasonable behaviour* means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

A single incident of unreasonable behaviour is not workplace bullying.

Bullying in our workplace is unacceptable and will not be tolerated.

Unreasonable behaviour may also involve unlawful discrimination or harassment (including sexual harassment) and may also be a breach of work health and safety laws. Complaints regarding unlawful discrimination and harassment are dealt with separately to bullying (which is covered by the Company's AWB Policy).

* 1. What are examples of bullying?

The following types of behaviour, whether intentional or unintentional, may be workplace bullying if they are repeated, unreasonable and create a risk to health and safety:

* + 1. abusive, insulting or offensive language or comments;
    2. aggressive and intimidating conduct;
    3. belittling or humiliating comments;
    4. victimisation;
    5. practical jokes or initiation;
    6. unjustified criticism or complaints;
    7. withholding information that is vital for effective work performance;
    8. intentionally setting unreasonable timelines or constantly changing deadlines;
    9. intentionally setting tasks that are unreasonably below or beyond a person’s skill level;
    10. denying access to information, supervision, consultation or resources to the detriment of the Worker;
    11. spreading misinformation or malicious rumours;
    12. changing work arrangements such as rosters and leave to deliberately inconvenience a particular Worker or Workers; and
    13. deliberately excluding someone from work-related activities.

Other types of behaviour may also constitute bullying.

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. In some cases, workplace bullying can continue outside of the workplace. It can be directed at a single Worker or a group of Workers and be carried out by one or more person.

* 1. What isn't bullying

Reasonable management action carried out lawfully and in a reasonable manner (taking the particular circumstances into account) is not bullying.

For example, it is reasonable for the Company's managers and supervisors to allocate work and to give feedback on a Worker’s performance even if it creates some discomfort for a Worker.

The following examples could be considered as reasonable management action:

* + 1. setting realistic and achievable performance goals, standards and deadlines;
    2. fair and appropriate rostering and allocation of working hours;
    3. transferring a Worker to another area or role for operational reasons;
    4. informing a Worker about unreasonable behaviour in an objective and confidential way;
    5. implementing organisational changes or restructuring; and
    6. taking disciplinary action, including suspension or terminating employment where appropriate or justified in the circumstances.

In addition, differences of opinion and disagreements are 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. Some people may also take offence at action taken by management, but that does not mean that the management action in itself was unreasonable. Whether management action is reasonable is determined by considering the actual management action rather than a Worker's perception of it.

1. Expected Behaviours

The Company expects Workers to:

* + 1. behave in a responsible and professional manner;
    2. treat others in the workplace with courtesy and respect;
    3. listen and respond appropriately to the views and concerns of others; and
    4. be fair and honest in their dealings that occur.

1. What Are Your Obligations?

A Worker has a statutory duty to take reasonable care to ensure their acts do not adversely effect the health and safety of others, including Workers. This means all Workers at the Company have the legal obligation not to bully any other person. In addition Workers are required to cooperate with the Company in any action it takes to comply with its own duty, including any action to investigate allegations of bullying. Workers can be prosecuted for breach of this statutory duty and fines can be imposed (or in serious cases, a Worker could be imprisoned).

1. Victimisation

You must not victimise a person because they have made or propose to make a bullying complaint or because they have provided information in relation to a complaint. Victimisation means subjecting a person to a detriment, for example, ostracising an employee.

1. What can you do if you feel you are experiencing or witnessing workplace bullying?

If you feel that you are experiencing or witnessing workplace bullying, then we encourage you to take action which may resolve the problem, such as:

* + 1. do not ignore circumstances where you feel you are experiencing workplace bullying, thinking it will go away. Ignoring the behaviour could be taken as tacit approval by the person causing the bullying; and
    2. where you feel comfortable, ask the person to stop, or make it clear that you find the behaviour victimising, intimidating, humiliating or threatening. Maybe the alleged bully is not aware that his/her behaviour is intimidating or threatening and will stop once they are told. It may be useful to speak with your manager in the first instance to seek guidance on how to do this.

Early intervention by telling the person that the unreasonable behaviour is unwelcome and asking for it to stop can be an effective way of stopping the behaviour before it escalates.

Alternatively, or concurrently, you may also wish to raise the issue with <<AntiBullyingAuthority>> under this Anti Bullying Policy, **as soon as possible** after the incidents have occurred.

If you feel that you are being victimised because you have made or propose to make a complaint of bullying or because you have provided information in relation to a complaint you should raise the issue as soon as possible with <<AntiBullyingAuthority>>.<<comparison:<<EAP>>,=,true:>>

**Other helpful contacts**

If you are experiencing workplace bullying, think you are experiencing workplace bullying, someone has alleged you are bullying them or something else at work is distressing you, you ***may also seek counselling and assistance using the Company's Employee Assistance*** Program on <<EAPContact>>.<<endcomparison>>

1. What will the Company do if you make a bullying complaint?

All bullying complaints will be treated seriously and generally in accordance with this Anti Bullying Policy. As each complaint will differ, the Company will determine the most appropriate method of dealing with the complaint so as to comply with the Company's obligation to provide and maintain a safe working environment under the applicable legislation. This may vary depending on the nature of the specific complaint and a number of other factors. For example, following receipt of a complaint, the Company may take the following steps:

* + 1. determine the best method of handling the complaint (which may include a number of possibilities including informal or facilitated discussions, mediation or an internal or external investigation);
    2. advise you of the likely steps that will be undertaken by the Company in relation to the complaint (including anticipated time frames);
    3. advise the person(s) who the complaint is about of the existence of the complaint, the nature of the complaint and seek their response;
    4. advise both you and the person(s) that the complaint is about of the confidentiality obligations in relation to the complaint;
    5. collect any additional information the Company considers necessary to properly review the complaint;
    6. advise both you and the person(s) that the complaint is about, of the Company's response to the complaint and, if appropriate, any proposed action to be taken;
    7. advise you and the person(s) that the complaint is about, who will be making the inquiries on behalf of the Company and who will determine the outcome of the inquiries; and
    8. in some cases, appointing an external party to make inquiries in relation to, or to investigate, the complaint.

As far as reasonably practicable, investigations of complaints will be conducted confidentially. Generally, the Company will only discuss the complaint with third parties when the Company determines that this is appropriate.

The Company will take whatever action it considers appropriate if there has been bullying, including disciplining or dismissing offenders. If the behaviour involves violence, for example, physical assault or the threat of physical assault, the Company may report the matter to the police.

You should also be aware that if the complaint is vexatious or if you lie about or exaggerate a complaint, or don't provide all facts relevant to the complaint at the outset, or don't co-operate with the process the Company adopts to address the complaint, the Company will view this as a very serious matter, and you may be disciplined or dismissed.

All Workers involved in any internal or external bullying investigation are required to provide honest answers to questions asked by the Company or its representatives. A failure to do so may lead to disciplinary action.

1. Contact person

If at anytime you have any questions regarding this Anti Bullying Policy, your obligations or the grievance process outlined above, we encourage you to contact <<AntiBullyingAlternativeAuthority>>.