

HR: ABLE AUSTRALIA - ANTI-BULLYING POLICY

STATEMENT

Able Australia is committed to protecting the dignity of all workers by working to prevent and eliminate all forms of workplace bullying.

Able Australia considers workplace bullying unacceptable and will not tolerate it under any circumstances. All workers must be free to work in an environment free from bullying, harassment, threats or violence.

Managers and Team Leaders must ensure workers are treated with respect, dignity, courtesy, not bullied, harassed or intimidated.

All workers must treat each other with respect and courtesy, not engaging in bullying or intimidating behavior, nor condoning it by silently bearing witness to these behaviours.

SCOPE

This policy applies to all workers and all sites where Able Australia delivers services and any sites where individuals supported by Able Australia reside or visit.

DEFINITIONS

“Workers” as used under the National Model Work Health & Safety Legislation, includes employees, board members, contractors, volunteers, consultants, agency staff, visitors and students.

POLICY DETAILS

From 1 January 2014, a worker in a constitutionally covered business who reasonably believes that he or she has been bullied at work can apply to the Fair Work Commission for an order to stop the bullying.

What is bullying?

Workplace bullying is repeated, unreasonable behaviour directed towards a worker, group of workers, client, customer, contractor or other external party that creates a risk to their health and safety. Repeated behaviour is behaviour which is persistent and can include a range of different behaviours that have occurred over a period of time. Unreasonable behaviour is that which victimises, humiliates, undermines or threatens the person being bullied, or would reasonably be expected to do so.

Bullying can occur downwards (from manager to worker), sideways (between workers) or upwards (from worker to manager/supervisor).

Bullying is not an acceptable part of our work culture. Not only does bullying breach this policy but it is also a significant workplace health and safety risk, as it can cause harm to a person’s health and wellbeing, both physical and psychological. In Victoria, bullying behaviour may also amount to stalking, which is a criminal offence.

Examples of bullying

Bullying can include, but is not limited to, behaviours such as:

- (a) Changing work rosters to deliberately inconvenience or victimise particular employees;
- (b) Verbal abuse or insulting or offensive language or comments;
- (c) Unjustified criticism or complaints
- (d) Initiation practices;
- (e) Sabotaging someone’s work, including setting tasks that are unreasonably below or beyond a person’s skill level without cause;
- (f) Ridiculing someone’s opinion;
- (g) Withholding information that is vital for work performance;
- (h) Social Ostracism;
- (i) Talking in a dismissive tone; and

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- (j) Assigning meaningless tasks or impossible deadlines.

What is not bullying?

It should be noted that bullying does not include:

- Reasonable management action, including reasonable performance management, managing under performance, firm supervision and discipline counselling;
- A single incident of unreasonable behaviour (but the incident could escalate and should not be ignored. If appropriate, report it to your manager or a Human Resources representative);
- Workplace violence (which is a criminal matter and should be reported to police); and
- Workplace conflict (low level friction or personality clashes which do not have negative health effects are generally not considered bullying).

Examples of reasonable management action include:

- Setting reasonable performance goals, standards and deadlines;
- Rostering and allocating working hours where the requirements are reasonable;
- Transferring an employee for operational reasons;
- Deciding not to select someone for promotion where a reasonable process is followed and documented;
- Informing an employee about unsatisfactory work performance when undertaken in a reasonable manner and in accordance with any workplace policies or agreements, such as performance management guidelines;
- Informing an employee about inappropriate behaviour in an objective and confidential way;
- Implementing organisational changes or restructuring; or
- Termination of employment for justifiable reasons.

How is bullying different to discrimination?

Discrimination happens when there's 'adverse action', such as firing or demoting someone, because of a person's characteristics like their race, religion or sex.

Bullying happens when a colleague or manager repeatedly behaves unreasonably towards a person or group of people and causes a risk to health and safety in the workplace. This behaviour doesn't have to be related to the person or group's characteristics and adverse action doesn't have to have happened.

Workplace Bullying Procedure

1. Reporting

Workers who witness or experience workplace bullying should report the incident immediately to their Manager or Team Leader. In the event that the Manager or Team Leader cannot be involved in a workplace bullying claim, the worker should then report the incident to the Human Resources Manager. Reporting of incidents is a legitimate and positive contribution to the organisation and will ensure that workplace bullying will cease without delay.

2. Report Handling and Resolution Procedure

When a report of workplace bullying is lodged, the employer will complete the following steps in a timely manner:

- . Determine the nature and severity of the problem;
- . Ensure confidentiality at all times;
- . Apply the most appropriate resolution method;
- . Once the situation has been resolved, document the outcome and monitor for future occurrences; and

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. Examine the underlying risk factors that may have contributed to the bullying and attempt to remove them

3. Confidentiality

Reporting will remain strictly confidential and no repercussions or retaliation will occur against the worker who reports legitimate incidents. Able Australia considers that maintaining confidentiality throughout the investigation process is of paramount importance and in the best interests of both complainants and respondents.

4. Resolution

There are three (3) approaches that can be employed to deal with complaints regarding workplace bullying;

1. Informal (direct) the worker who believes that they are experiencing workplace bullying makes a clear, polite request to the perpetrator for the behaviour to stop. It is recommended that the request is made with a witness present
2. Informal (mediation) a meeting is held involving the worker affected by the bullying and the perpetrator. An independent and impartial mediator (HR Operations Manager) is present to assist them to discuss the incident and come to an agreed outcome. Participation in mediation is voluntary and either party can withdraw at any time.
3. Formal (investigation) this approach is steered by an independent third party. It involves separate interviews with the worker affected by the bullying, the alleged offender, any witnesses and other relevant staff. After the investigation a recommendation is made to the manager commissioning the investigation, who then makes a decision for further action.

In all approaches the employee affected by the behaviour needs to be satisfied that their concerns have been dealt with appropriately.

5. Outcomes

After exploration of the report, the following outcomes may occur;

- . A written apology; or
- . An official warning; or
- . Counselling; or
- . Dismissal
- . All staff will be reminded of the policy.

REFERENCE DOCUMENTS

Able Australia Staff Code of Ethics and Conduct Policy

Able Australia Grievance and Conflict Resolution Policy

Able Australia Performance Management Policy

Able Australia Equal Opportunity Policy

Able Australia Anti-Discrimination Policy (including discrimination, harassment, sexual harassment and victimization)

The Fair Work Act 2009 and National Employment Standards (NES)

CONTINUOUS IMPROVEMENT

Improvements to this policy can be made by completing an Improvement Opportunity Form, attaching any suggested amendments and forwarding to the Quality & Compliance Manager for review.