

[Insert your company logo]

WORKPLACE BULLYING POLICY

This document is a starting point to help you develop a document appropriate to your individual situation. It will need to be tailored to your specific circumstances in light of any applicable laws that apply in your jurisdiction. You should seek your own advice about the necessary amendments.

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Overview

[Name of business] (the Company) is committed to preventing workplace bullying. The Company considers bullying to be an unacceptable form of behaviour and it will not tolerate it under any circumstances.

This policy applies to all staff of the Company. This Policy does not form part of the terms and conditions of any contract between the Company and any person working for it. The Company's compliance with this policy does not affect any obligations owed by it under those contracts.

Under State health and safety legislation, the Company has a responsibility to do everything possible to eliminate or reduce risks to workers' health and safety.

All staff have a right to a workplace that is free from bullying. Workers must also accept responsibility for their actions towards others in the workplace and must not take part in any bullying conduct.

The Company expects all staff to:

- act with integrity and extend respect and courtesy to all persons whom they deal with;
- comply with all applicable laws;
- not engage in inappropriate behaviour, including unlawful behaviour that constitutes bullying, or condone such behaviour by others;
- cooperate with any investigation in relation to inappropriate or unlawful behaviour in breach of this policy.

Legislation that is applicable to the types of behaviours outlined in this policy includes:

- **[relevant State WHS legislation, e.g. Occupational Health and Safety Act 2004 (Vic)]**
- **[relevant State criminal legislation, e.g. Crimes Act 1958 (Vic)]**

What is bullying?

Workplace bullying is repeated, unreasonable behaviour directed towards a worker, or group of workers, which creates a risk to a worker's mental or physical health and safety.

Unreasonable behaviour is that which a reasonable person, having regard to all the circumstances (i.e. those that the alleged bully would reasonably be expected to know), would expect to victimise, humiliate, undermine or threaten its recipient.

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 another person.

Workers include contractors and staff at senior levels of the Company.

The source of bullying could be staff within the Company, its clients or suppliers.

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Examples of bullying

The following types of behaviour, when repeated or occurring as part of a pattern of behaviour, can constitute bullying:

- verbal abuse;
- excluding or isolating workers;
- psychological harassment;
- intimidation;
- assigning meaningless tasks unrelated to a worker's position;
- giving impossible assignments;
- initiation practices;
- sabotaging another worker's work;
- deliberately withholding information that is vital for effective work; and
- ridiculing a worker's opinions.

However, legitimate and appropriate actions to manage work performance or discipline a staff member for misconduct do not constitute workplace bullying.

Generally, this policy is concerned with behaviour that is persistent and part of an identifiable pattern. The specific form of the behaviour need not be the same – bullying can involve diverse incidents, e.g. verbal abuse, isolation and deliberate damage to personal property.

While a single incident of the behaviour described does not fall within the above definition, the Company does not condone and will not ignore such incidents. Any concern should be reported and will be considered seriously.

Reporting procedure

The Company will deal with all reports of workplace bullying seriously, promptly and confidentially.

If you feel comfortable doing so, you should advise the other person, verbally or in writing, in a direct and firm manner that their behaviour is unacceptable. This may be enough to stop the unwelcome behaviour.

If the behaviour is serious or recurring, or if you are not comfortable raising the matter directly with the alleged perpetrator, you should make a report to the Human Resources Manager **[or other contact officer]**. The Company has established confidential procedures for handling reports of serious incidents under this policy. These procedures are based on the principle that the rights and privacy of both parties to the incident should be safeguarded. The Company considers that it is important that any report be dealt with promptly, professionally and with sensitivity.

It is suggested that you keep diary notes of all incidents with names, dates, witnesses and any response you make in relation to the incidents.

The Company strongly encourages staff to report incidents of workplace bullying. However, reporting is voluntary and not mandatory. Nevertheless, if a worker decides not to report issues, the Company expects that this will be the end of the matter. In particular, the worker must not seek to progress the

issue informally, e.g. allowing the matter to be the subject of conflict with the alleged bully, or of innuendo or gossip. Breach of this aspect of the policy may attract disciplinary sanctions.

Further, all workers must appreciate that raising an allegation of bullying against another person in the workplace is a serious matter. Regardless of whether the complaint is substantiated, the act of raising the complaint will have significant and often permanent consequences both personally and professionally for the other party. The Company will not tolerate abuse of the processes outlined in this policy or the making of vexatious complaints.

If you make a report, the Company will appoint an independent party to mediate the dispute, initiate an investigation, or do both. The course adopted will depend on the severity of the incident and the wishes of the parties and the Company.

Mediation

At mediation, parties will be given the opportunity to discuss the incident and attempt to reach a mutually agreeable resolution. This could include:

- an apology;
- an undertaking that the behaviour will not recur;
- physical separation within the workplace of the parties involved; or
- counselling and monitoring of the perpetrator.

One outcome of the mediation may be that the matter will be investigated.

Investigations

Investigations can be conducted internally by the workplace occupational health and safety committee, or by external bodies such as the Victorian WorkCover Authority or, where criminal acts of violence may have been committed, the police.

If a complaint is to be investigated, both the alleged victim and the alleged perpetrator will be afforded natural justice. This means that:

- complaints will be investigated promptly;
- the allegations will be put to the alleged perpetrator;
- each party will be given a fair opportunity to express their version of events; and
- the alleged perpetrator will be treated as innocent unless the allegations are proven.

General

All file notes relating to the report will be kept in specially provided locked files. Only staff involved in particular processes under this policy will have access to these files.

Workers involved in a report of bullying may also be offered professional support services such as counselling or medical advice, as appropriate. Workers are also encouraged to utilise the Company's Employee Assistance Program. Our provider is **[insert details]** and can be contacted directly by **[insert contact information]**.

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These guidelines may not be practical for every case, and the Human Resources Manager *[or other contact officer]* or you may suggest more applicable resolution procedures.

Outcome of reporting process

Any person who has been found to have engaged in bullying conduct may be disciplined. Such a finding will only be made after an investigation has been carried out under this policy. The discipline will be appropriate to the severity of the offence, but may involve a warning or dismissal.

Any person who has been found to have made a report that is vexatious or based on facts that the person ought reasonably believe to be false will also be subject to disciplinary sanction.

Mitigating factors, such as personal circumstances, disciplinary and work history, and work performance, will be taken into account, but will not be decisive in determining the appropriate disciplinary measures to be adopted.

In addition to potential disciplinary action, workers may be liable for engaging in unlawful conduct, which may attract civil or criminal penalties.

Further information

[Contact details of Human Resources Manager/other contact officer]