
Workplace Bullying Policy

CONTROL:

Policy Type:	Administration
Authorised by:	Council
Head of Power:	Queensland Work Health and Safety Act 2011 Fair Work Ombudsman Safe Work Australia DSC Code of Conduct DSC Anti-Discrimination and Equal Employment Opportunity Policy
Responsible Officer:	Chief Executive Officer
Adopted / Approved:	Minute No. 2021.03.15-OM-11
Last Reviewed:	December 2020
Review:	December 2022
Version	5

1. INTRODUCTION

1.1 PURPOSE:

The primary purpose of this policy is to set out clearly the guidelines prescribed by *Work Health and Safety Act 2011 and relevant State and Commonwealth Legislation*. This policy outlines the Council's commitment to a safe workplace and is aimed at ensuring, so far as it reasonably can, that employees are not subjected to any form of bullying while at work. It also details the legal responsibilities of the Council and employees in relation to preventing bullying in the workplace.

1.2 POLICY OBJECTIVES:

Council is committed to providing a safe and healthy work environment in which all workers are treated fairly, with dignity and respect. Bullying is a risk to the health and safety of the workplace. It is unacceptable and will not be tolerated by the Council.

This policy sets out what is and is not workplace bullying, outlines the strategies employed by Council to prevent workplace bullying and sets out obligations for employees of Council, and actions to be taken if allegations of workplace bullying are made or witnessed.

This Policy should be read in conjunction with Council's Grievance Resolution Policy and Anti-Discrimination and Equal Employment Opportunity Policy.

1.3 COMMENCEMENT OF POLICY:

This Policy will commence on adoption. It replaces all other specific Workplace Bullying policies of Council (whether written or not).

1.4 SCOPE

This policy covers all employees of the Council (whether full-time, part-time or casual) and all persons performing work at the direction of, in connection with, or on behalf of the Council (for example contractors, subcontractors, agents, consultants, and temporary staff).

This Policy extends to all functions and places that are work related, for example, work lunches, conferences, Christmas parties and client functions.

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2. POLICY

2.1 POLICY STATEMENT:

Council is committed to ensuring a healthy and safe workplace that is free from bullying and affirms the rights of individuals to be treated fairly and with respect. Workplace bullying is unacceptable and will not be tolerated under any circumstances.

All forms of workplace bullying can seriously harm working conditions and have legal, ethical and financial implications for the organization. Any incidents of bullying will be regarded extremely seriously by Council and can be grounds for disciplinary action including dismissal.

3. STANDARDS AND PROCEDURES

3.1 KEY PRINCIPLES

Workplace Bullying

3.1.1 Workplace Bullying

Workplace Bullying is the term now used by Workplace Health and Safety Queensland to describe behaviours which were previously defined as Workplace Harassment;

Workplace bullying is a risk to health and safety. 'Health' is defined in the WHS Act as both physical and psychological health. Failure to take steps to manage the risk of workplace bullying can result in a breach of Work Health and Safety (WHS) laws. Workplace bullying can occur wherever people work together and in all types of workplaces. It is best dealt with by taking steps to prevent it from occurring and responding quickly if it does occur. The longer the bullying behaviour continues, the harder it becomes to repair working relationships and the greater the risk is to health and safety.

3.1.2 Bullying Behaviour

Workplace bullying can adversely affect the psychological and physical health of a person. Workplace bullying is a psychological hazard that has the potential to harm a person, and it also creates a psychological risk as there is a possibility that a person may be harmed if exposed to it. Where effective control measures are put in place to address and resolve workplace issues early, Council can minimise the risk of workplace bullying and prevent it from becoming acceptable behaviour in the workplace.

Workplace bullying is defined as repeated and unreasonable behaviour directed towards a worker or a 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.
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3.1.3 What is Workplace Bullying?

Work-related bullying is repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety. Examples of behaviour, whether intentional or unintentional, that may be work-related bullying include, but are not limited to:

- Language or comments that are:
 - Abusive;
 - Insulting;
 - Offensive.
- Unjustified criticism or complaints;
- Deliberately excluding someone from workplace activities;
- Not sharing important information that a person needs to work effectively;
- Setting unreasonable timelines or constantly changing deadlines;
- Setting tasks that are unreasonably below or beyond a person's skill level;
- Spreading misinformation or malicious rumours;
- Changing rosters or leave to deliberately inconvenience someone.

3.1.4 What is not Workplace Bullying?

A single incident of unreasonable behaviour is not workplace bullying, however it may be repeated or escalate and so should not be ignored.

Council, as a PCBU, may take reasonable management action to effectively direct and control the way work is carried out. It is reasonable for managers and supervisors to allocate work and give feedback on a worker's performance. These actions are not workplace bullying if they are carried out in a lawful and reasonable way, taking the particular circumstances into account.

A manager exercising their legitimate authority at work may result in some discomfort for a worker. The question of whether management action is reasonable is determined by considering the actual management action rather than a worker's perception of it, and where management action involves a significant departure from established policies or procedures, whether the departure was reasonable in the circumstances.

Examples of behaviours or situations that aren't workplace bullying include:

- Unreasonable behaviour that involves physical [violence](#), for example a physical assault or threat of physical assault;
- Reasonable management action, in connection with a worker's employment, isn't considered bullying if it's done in a lawful and reasonable way, taking the particular circumstances into account such as;
 - Setting realistic and achievable performance goals, standards and deadlines;
 - Fair and appropriate rostering and allocation of working hours;
 - Transferring a worker to another area or role for operational reasons;
 - Deciding not to select a worker for a promotion where a fair and transparent process is followed;
 - Informing a worker about unsatisfactory work performance in an honest, fair and constructive way;
 - Informing a worker about unreasonable behaviour in an objective and confidential way;
 - Implementing organisational changes or restructuring, and
 - Taking disciplinary action, including suspension or terminating employment where appropriate or justified in the circumstances.
- Acts of unlawful discrimination or sexual harassment;
- Conflict at work – differences of opinion and disagreement are generally not considered to be bullying.
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3.1.5 How Can Workplace Bullying Occur?

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. Workplace bullying can be directed at a single worker or group of workers and be carried out by one or more workers. It can occur:

- Sideways between workers;
- Downwards from supervisors or managers to workers; or
- Upwards from workers to supervisors or managers.

Workplace bullying can also be directed at or perpetrated by other people at the workplace such as clients and members of the public.

3.1.6 Vilification

- Vilification is behaviour that incites others to hate, to have serious contempt for or to severely ridicule individuals or groups because of their race, religion, sexuality or gender identity.

3.2 SPECIFIC AND STANDARD

3.2.1 Policy provisions

- Council is committed to ensuring a healthy and safe workplace that is free from bullying and affirms the rights of individuals to be treated fairly and with respect. Workplace bullying shall not be engaged in by any worker or person, it is unacceptable and will not be tolerated under any circumstances.
- Any incidents of bullying will be regarded as extremely serious by Council and can be grounds for disciplinary action which may include dismissal. Complaints of alleged workplace bullying found to be malicious, frivolous or vexatious may make the complainant liable for disciplinary action.
- Workplace bullying along with other forms of sexual, racial or personal harassment can seriously undermine a person's wellbeing and working conditions, and have legal, ethical and financial implications for Council.
- It is not necessary for the 'repeat behaviour' to be the same. 'Repeat behaviour' refers to the constant nature of the behaviour and may involve a series of diverse incidents – for example, verbal abuse, sabotaging a person's work and unreasonable threats of dismissal.

3.2.2 Identifying Potential for Workplace Bullying and Controlling the Risks

Identifying the Risks.

Processes that may help identify workplace bullying or the potential for it to occur include:

- Regular consultation with workers and health and safety representatives and health and safety committees, including discussions aimed at finding out if bullying is occurring or if there are factors likely to increase the risk of workplace bullying. Council may also conduct anonymous surveys where deemed necessary;
- Seeking feedback when workers leave Council, for example holding exit interviews;
- Seeking regular feedback from managers, supervisors or other internal and external parties;
- Monitoring incident reports, workers compensation claims, patterns of absenteeism, sick leave, staff turnover and records of grievances to establish regular patterns or sudden unexplained changes, and
- Recognising changes in workplace relationships between workers, customers and managers.

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Controlling the Risks.

- The risk of workplace bullying can be minimised so far as is reasonably practicable by creating and promoting a positive work environment where everyone is treated fairly and with respect. A combination of control measures aimed at the organisational level and at individual behaviours will be considered.
- Council maintains the following actions to prevent and control exposure to the risk of workplace bullying:
 - Provides all employees with workplace bullying awareness training at the point of induction, and on an ongoing basis as required.
 - Maintains and regularly communicates the Code of Conduct enshrining certain standards of behaviours expected of all employees whilst at work.
 - Maintains a Grievance Resolution Policy, which informs all persons how to make a complaint, the support systems available, options for resolving grievances and the appeal process.
 - Regularly reviews this policy and the Grievance Resolution Policy, and provides staff training taking into account any recorded workplace incidents or perceived risks.

Some of the common risk factors which may lead to workplace bullying

- Bullying can result from a number of different factors in a workplace, from the general culture to poor management skills. Some risk factors which make bullying more likely to occur are:
 - Organizational change - i.e. significant change in the workplace that may lead to job insecurity for example, restructure and redundancy, introduction of technology, change in management.
 - The culture – the Council's values, views and beliefs can either expressly or implicitly encourage bullying behaviours, for example, when a Council promotes aggressive behaviour as a means of ensuring its workers are performing their roles, or adopts a culture in which it is acceptable to ignore such behaviours.
 - Negative leadership styles – such as strict, autocratic management styles, which do not allow for flexibility or involvement by employees; or passive, 'laissez-faire' management styles which are characterized by a tendency to avoid decisions, inadequate supervision and little guidance to workers.
 - Inappropriate systems of work – this includes excessive workloads, unreasonable timeframes, uncertainty about roles and how they should be performed, and lack of employee support.
 - Poor work relationships – this can be characterized by poor communication between staff and management, or negative relationships with supervisors or colleagues, excessive criticism by managers and the exclusion or isolation of workers.
 - Workforce characteristics – a Council's workforce can be made up of groups of workers who may be at a higher risk of bullying because of certain characteristics: for example, young workers, new workers, apprentices, injured workers, workers in a minority group because of their race, disability, religion, gender or sexual preference.

3.2.3 Legal Responsibilities

- Everyone at the workplace has a legal responsibility to prevent bullying from occurring.
- Under relevant health and safety legislation (the "Legislation") the Council has the primary duty to eliminate or minimise, as far as reasonably practicable, the risks to health and safety in the workplace. This duty includes the implementation of strategies to prevent workplace bullying. This policy will assist the Council in complying with its legal responsibilities.

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- Workers are also required under the Legislation to take reasonable care for their own health and safety, as well as that of others at the Council's workplace. They must also comply with any reasonable instruction given by the Council. Compliance with this policy will assist workers in meeting their legal responsibilities.

3.2.4 Responsibilities of Employees

- Council requires all employees to:
 - Comply with this policy and the Code of Conduct.
 - Ensure they do not engage in any conduct which may constitute bullying towards other workers, customers/clients or others with whom they come into contact through work.
 - Ensure they do not aid, abet or encourage other persons to engage in bullying behaviour.
 - Immediately report all incidents of workplace bullying in accordance with the Grievance Resolution Policy.
 - Maintain privacy and confidentiality during investigations.
 - Not make complaints that are malicious, vexatious or lacking in substance.

3.2.5 Responsibility of Managers and Supervisors

- Demonstrated senior management commitment in identifying, preventing and responding to workplace bullying is one of the key factors for preventing unreasonable behaviour and managing psychological risks. Effective leaders model Council's organisation's values and standards for workplace behaviour through their own conduct. This can send a clear message to workers that Council is serious about preventing workplace bullying and contribute to a positive workplace culture where unreasonable behaviour is not tolerated.
- Council requires all managers and supervisors to:
 - Personally demonstrate appropriate behaviour at all times by not engaging in workplace bullying. .
 - Comply with and regularly promote and communicate this policy and the Code of Conduct.
 - Ensure all staff who report to them are aware and understand this policy and their responsibility to comply with it.
 - Ensure all staff who report to them understand that bullying in any form is unacceptable and will not be tolerated by the Council.
 - Act promptly and appropriately if they observe bullying behaviours.
 - Ensure that all staff who report to them understand that they should report any bullying behaviour.
 - Ensure all staff who report to them are aware and understand the Grievance Resolution Policy.
 - Act promptly if a complaint is made. If this is not possible, or is inappropriate, inform the Complaints Contact Person as soon as possible.
 - Recognise the risk factors that may lead to workplace bullying and develop intervention strategies to mitigate these risks.
 - Treat all incidents and complaints of workplace bullying seriously and encourage open communication.
 - Ensure persons lodging complaints are not victimised and, as is reasonably possible, that confidentiality in dealing with complaints of workplace bullying is maintained.

3.2.6 Responsibility of Other Persons

- Council requires all persons entering a Council workplace to:
 - Ensure they do not engage in workplace bullying.
 - Not tolerate unacceptable behaviour.
 - Immediately report all incidents of workplace bullying in accordance with the Grievance Resolution Policy complaints handling system.

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- Maintain privacy and confidentiality during investigations.
- Not make complaints that are malicious, vexatious or lacking in substance.

3.2.7 Assistance to Staff

- A staff member who believes they are being bullied or wishes to report another employee being bullied should follow the Grievance Resolution Policy.

3.2.8 Commitment to Promptly Investigate Complaints

- Council has a Grievance Resolution Policy which includes procedures for reporting, investigating, resolving and appealing workplace bullying complaints. Any report of workplace bullying will be treated seriously and investigated promptly, fairly and impartially with a view to resolving the matter within a reasonable period of time.

3.2.9 Consequences for a Breach of Policy

- The Council takes very seriously its commitment to providing a safe and healthy work environment, free from bullying. All workers are required to comply with this policy.
- If an employee breaches this policy, they may be subject to disciplinary action. In serious cases this may include termination of employment. Agents and contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with the Council terminated or not renewed.
- The CEO, in seeking to achieve a resolution in relation to found cases of workplace bullying, will consider the appropriate course of action. Examples may include, but are not limited to:
 - Written or verbal apology.
 - Awareness raising educational sessions.
 - Professional support or counselling.
 - Special or compassionate leave for complainant.
 - Termination or non-renewal of contract for contractors
 - Disciplinary action (which may include Formal Warning, Demotion, Dismissal, Suspension, or Transfer).
- If allegations of workplace bullying are not substantiated and are not deemed to be malicious or vexatious, the CEO shall explain to all parties the reason why the complaint cannot be supported, i.e. no evidence to support the claim; the claim does not breach legal or council guidelines for workplace bullying. .

3.2.10 Malicious or Vexatious Claims

- A central objective of this Policy is to provide an avenue for any staff member with a genuine concern, either real or perceived, to raise the matter and have it addressed. If the investigator finds that the complaint was malicious or vexatious, the recommendation to management may include appropriate disciplinary or supportive actions for the complainant.

3.2.11 External Investigations

- Council would prefer that the matter was raised internally initially, providing council with the opportunity to investigate and resolve. However, employees may take their complaint of workplace bullying to Workplace Health and safety Queensland and / or the Fair Work Ombudsman. .

3.2.12 Appeals

- Any person who is directly involved in the investigation and is dissatisfied with the process may appeal to the CEO in person or in writing.

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4. REFERENCE AND SUPPORTING INFORMATION

4.1 DEFINITIONS:

To assist in interpretation, the following definitions shall apply:

Word / Term	Definition
Council	Means Diamantina Shire Council.
Complaints Contact Person	The complaints contact person is the Human Resources Officer or if this position is vacant the person acting in this role.

4.2 RELATED POLICIES, LEGISLATION AND DOCUMENTS:

Links to supporting documentation
Anti-Discrimination and Equal Employment Opportunity Policy
Code of Conduct
Fair Work Australia
Queensland Work Health and Safety Act 2011

4.3 VERSION CONTROL:

Previous Version Number	Adopted/Approved Date
Original	March 16 2015, Minute No. 2015.03.16-OM-19
Version 2	January 16 2017; Minute No. 2017.01.16-OM-7
3	January 15 2018, Minute No. 2018.01.15-OM-7
4	December 16 2019, Minute No. 2019.12.16-OM-17