



## Policy No. 2015-33

### BULLYING POLICY

Responsible Officers: **General Manager/ Manager Finance & Administration**

For Review by: **General Manager**

Due Date for Review: **30/04/2017**

Approved by: .....

**Mayor**

...../...../2015

**Date**

.....

**General Manager**

...../...../2015

**Date**

Presented at Council Meeting:

21/04/2015

# Bullying Policy

## 1. *The Policy*

In line with the Bullying Code of Practice this policy outlines Central Highlands Council process regarding bullying within the workplace. A Central Highlands Council goal is to provide prompt and reasonable management of workplace issues to assist our workers and enable them to enjoy a healthy and safe work environment.

This policy should be read in conjunction with applicable, appropriate and associated policies, procedures, legislation, codes of practice, guidelines and best practice models.

## 2. *Who This Policy Applies to*

This policy applies to all Councillors, Committee Members, employees, consultants, volunteers, work placement/work experience participants and contractors of Central Highlands Council.

Places of work include attending training, work related events, 'off site', and other worksites of which you are undertaking Central Highlands Council business.

## 3. *What is NOT workplace bullying?*

There are a number of situations that, although they may feel unpleasant, are not examples of bullying, such as:

- ✚ A single incident of unreasonable behaviour
- ✚ Reasonable management action taken in a reasonable way
- ✚ Discrimination and harassment
- ✚ Workplace violence
- ✚ Workplace conflict

## 4. *A single incident of unreasonable behaviour*

Whilst a single incident of unreasonable behaviour may not be regarded as bullying, it should not be ignored as it may have the potential to escalate. If possible speak to the person who has acted unreasonably. If you do not feel comfortable or safe doing so, discuss the matter with relevant management.

## 5. *What is Bullying?*

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 regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Examples of behaviour that may be considered to be workplace bullying if they are repeated, unreasonable and create a risk to health and safety include:

- ⚡ Abusive, insulting or offensive language or comments
- ⚡ Unjustified criticism or complaints
- ⚡ Deliberately excluding someone from workplace activities
- ⚡ Withholding information that is vital for effective work performance
- ⚡ Setting unreasonable timelines or constantly changing deadlines
- ⚡ Setting tasks that are unreasonably below or beyond a person's skill level
- ⚡ Denying access to information, supervision, consultation or resources such that it has a detriment to the worker
- ⚡ Spreading misinformation or malicious rumours
- ⚡ Changing work arrangements, such as rosters and leave, to deliberately inconvenience a particular worker or workers
- ⚡ Excessive scrutiny at work.

## **6. Reasonable management action taken in a reasonable way**

This can include:

- ⚡ setting reasonable performance goals, standards and deadlines
- ⚡ rostering and allocating working hours where the requirements are reasonable
- ⚡ transferring a worker for operational reasons
- ⚡ deciding not to select a worker for promotion where a reasonable process is followed and documented
- ⚡ informing a worker about unsatisfactory work performance when undertaken in a reasonable manner and/or in accordance with any workplace policies or agreements such as performance management guidelines
- ⚡ informing a worker about inappropriate behaviour in an objective and confidential way
- ⚡ implementing organisational changes or restructuring
- ⚡ termination of employment

It may be the case that there are genuine performance issues or there was a misunderstanding.

Poor management practices on their own, may not equate to bullying.

## **7. Workplace Conflict**

Workplace conflict can be defined as friction or opposition resulting from disagreements or personality clashes. Low-level workplace conflict is generally not considered to be bullying.

If workplace conflict is affecting you, you should follow the Grievance Process.

## **8. Workplace Violence**

Workplace violence is any action, incident or behaviour in which a person is assaulted, threatened, harmed or injured in circumstances relating to their work.

Incidents of physical assault will be reported to the police as a criminal matter.

## **9. *If the matter is not resolved***

Where a matter may appear to remain unresolved Central Highlands Council may initiate mediation or undertake an investigation.

## **10. *Investigation***

The investigator appointed to your matter has the task to work out what happened, whether or not an allegation of workplace bullying is substantiated (or whether there is insufficient information to decide either way) and what the appropriate course of action should be (if any).

## **11. *Grievance Process for Dealing with Complaints***

If a worker has an issue at work, there are a number of options available for resolving their complaint. Workers are required to work with Central Highlands Council to progress through the options and respond to any questions personally and honestly.

To assist in the resolution of issues the following process should be undertaken:

- 1) Speak to the person(s) involved directly to see if you can settle the issue;
- 2) Seek assistance from your Manager/Supervisor – a written statement often assists in clarifying issues alternatively your Manager/Supervisor will take notes of your meeting;
- 3) Seek assistance from the General Manager if you have not received a response from the Manager/Supervisor in 10 business days
- 4) Notify your Manager/Supervisor or the General Manager if you would like conciliation and/or mediation (appointed in consultation between Management and the worker);

Workers may request a support person to attend meetings during the grievance process.

At any discussions or meetings the worker is required to discuss the issues and personally answer any questions raised by the employer or their representative.

All parties are able to take actions through Fair Work avenues or other jurisdictions as determined.

If the behaviour is likely to amount to a criminal act or is serious in nature, the complaint should be referred to Management who will decide if the matter is to be referred to the police or other entity. The worker against whom the complaint is made may be suspended at the employer's discretion during the investigation and decision making processes.

Where a workplace matter is a criminal matter, the investigations may be managed separately and a decision relating to employment will be made separate to any criminal prosecution.

**For further information you may refer to the Bullying Code of Practice at: <http://worksafe.tas.gov.au/resources/publications> (currently in draft) or <http://www.safeworkaustralia.gov.au>**