
Policy Statement

Activity Centres Inc is committed to providing a safe workplace for all Staff, including full time, part time, casual, volunteers, and contractors that is free from bullying.

Considerations

- ✓ Education and Care Services National Law 2010
- ✓ Education and Care Services National Regulation (2018 Version)
- ✓ Education and Care Services National Quality Standards (2018 Version)
- ✓ OSHC Code of Professional Standards
- ✓ Activity Centres Incorporated Job Descriptions and Letters of Employment.
- ✓ Fair Work Commission Anti-Bullying Policies.
- ✓ Workplace Health and Safety Act 2011
- ✓ Work Health and Safety Regulations 2011
- ✓ Guide for preventing and responding to workplace bullying, Safe Work Australia 2016

Background Information/Definitions

- ✓ Bullying is defined as an ongoing misuse of power in relationships through repeated verbal, physical and/or social behaviour that causes physical and/or psychological harm. It can involve an individual or a group misusing their power over one or more person. Bullying can happen in person or online, and it can be obvious (overt) or hidden (covert).
 - Misusing power over individuals can refer to physical strength, access to embarrassing information, position, popularity etc., to control or harm others.
- ✓ Online bullying (sometimes referred to as cyberbullying) refers to bullying through internet or Mobile devices.
- ✓ Single incidents, conflicts or fights between individuals, whether in person or online, are not defined as bullying.
- ✓ Behaviours that do not constitute bullying include:
 - Mutual arguments and disagreements
 - Not liking someone or a single act of social rejection
 - One-off acts of meanness or spite
 - Isolated incidents of aggression, intimidation or violence.

Workplace Bullying

- ✓ Workplace bullying is repeated and unreasonable behaviour directed towards a worker or a group of workers that create a risk to health, safety and well-being.
- ✓ Repeated behaviour that occurs on an ongoing basis, and may involve a range of behaviours over time.
- ✓ Unreasonable behaviour includes behaviours that are victimising, humiliating, intimidating or threatening.
- ✓ Examples of behaviours that may be considered bullying include:
 - Intimidation: verbal abuse or threats, including yelling, screaming or offensive language
 - Excluding or isolating people from workplace activities.
 - Assigning impossible tasks, meaningless tasks unrelated to the job, or giving someone the majority of unpleasant tasks.
 - Undermining responsibility
 - Spreading malicious rumours
 - Online or Cyber bullying
 - Physical abuse

What is not workplace bullying?

- ✓ Reasonable management action taken by management or supervisors to direct the way work is carried out is not workplace bullying.
- ✓ Examples of reasonable management actions and practices includes:
 - Setting reasonable performance goals, standards and deadlines with workers and after considering their respective skills and experience
 - Allocating work fairly
 - Fairly rostering and allocating work hours
 - Providing reasonable direction to carry out duties and tasks
 - Maintaining reasonable goals and standards.
 - Deciding not to select a worker for promotion, following fair consideration process.
 - Informing a worker about unsatisfactory work performance in accordance with ACI policy.
 - Informing a worker about inappropriate behaviour in accordance with ACI policy.
 - Implementing organisational changes and restructure.
 - Performance management process in accordance with ACI policy
 - Taking disciplinary action, including suspension or terminating employment.
 - Reasonable consideration of organisation needs prior to the approval of leave or training etc.

Procedures

- ✓ Activity Centres Inc recognises that under the Work Health and Safety Act we have a primary duty to ensure a safe work environment and that this includes an environment that is free from bullying and harassing behaviours.
- ✓ There is a risk that bullying may affect the emotional, mental and physical health of Staff. This risk is minimised if Staff treat everyone with dignity and respect and creating a positive workplace environment.
- ✓ Bullying hampers productivity by creating dysfunction and damaging morale within the work environment. It includes a pattern of behaviour that intimidates, offends, degrades or humiliates another person, including by electronic means such as email, notice boards, blogs and social networking websites.
- ✓ Staff should be aware that this policy applies to behaviours that occur:
 - In connection with work, even if it occurs outside normal working hours
 - During work activities, for example when dealing with clients, in all work-related communications including emails
 - At work-related events, for example at conferences and work-related social functions and
 - On social media where Staff interact with colleagues or clients
- ✓ Staff will be informed of this policy as part of our orientation process. Management will ensure that Staff review the policy from time to time as a refresher.
- ✓ Staff are to follow Code of Professional standards, ACI Professionalism Policy and maintain a respectful and professional relationship with each other at all times.
- ✓ All Staff must realise that workplace bullying is considered serious misconduct and will be grounds for disciplinary action up to and including possible termination of employment, dependent on the severity of the unacceptable behaviour.
- ✓ Bullying can be directed at a single individual or a group of individuals and be carried out by one or more Staff.
- ✓ Bullying can be Downwards (Manager/Supervisor etc. to Staff member), Sideways (Staff to co-worker), or Upwards (Staff to Management/Supervisor).
- ✓ If individual differences between Staff arise, these should be dealt with quickly in relation to ACI Greivance and Complaints Management Policy.
- ✓ While an isolated incident of unacceptable behaviour does not constitute workplace bullying, it should still be reported to your Coordinator, Assistant Manager, Manager or member of the Mangament committee, so that it can be addressed with the Staff involved. Isolated incidents of unacceptable behaviour that is not dealt with appropriately can develop into a pattern of repeated bullying behaviour.

Anti-Bullying Policy

Workplace Bullying

-
- ✓ Staff members should not raise allegations which are vexatious or without reasonable cause.
 - Vexatious means that the main purpose of a claim is to harrass, annoy or embarrass the other party or there is another purpose for the grievance other than the settlement of the issues arising in the claim.
 - 'Without reasonable cause' means that a claim is made without there being any real reason, basis in fact(s) or purpose. Such claims include allegations that are so obviously untenable that the claim cannot possibly succeed, groundless, and/or insufficiently particularised.
 - ✓ Where a claim is determined as vexatious or made without reasonable cause, the Staff member who raised the complaint will receive written notice of this decision which will include reasons as to why the complaint was deemed as vexatious and/or lack of reasonable cause.
 - ✓ Individuals may choose to resolve issues by self-managing the situation. This would involve the individual telling the other Staff that the behaviour is not welcome and asking them to stop.
 - ✓ If Staff feel that they are experiencing or witnessing workplace bullying, and are not comfortable dealing with the problem themselves, or all attempts to do so have not been successful, you should raise the issue with your Coordinator, the Manager, Assistant Manager or any member of the Management Committee.
 - ✓ If Staff witness, workplace bullying behaviour aimed towards another Staff Member, they also have a responsibility to bring this matter to Managements attention.
 - ✓ Reporting ensures that intervention occurs as early as possible so prompt assistance and support can be provided.
 - ✓ The reporting and investigating of workplace bullying will remain strictly confidential and no repercussions, retaliation or victimisation will occur against the Staff who report legitimate incidents.
 - ✓ It is important to ensure anyone who reports workplace bullying, and who is a witness of workplace bullying, is not victimised for doing so. The person accused of bullying should also be protected from workplace bullying.
 - ✓ Management will ensure that reports are responded to quickly, reasonably and within established timelines. Relevant parties should be advised of how long it will likely take to respond to the bullying report and should be kept informed of the progress.
 - ✓ Management will refer to the following, as a guide, when responding to a workplace bullying claim:
 - Is the behaviour bullying or not? The type of behaviour occurring may need to be determined to develop an appropriate response. Eg: is it an isolated incident, discrimination, Staff personality clash, or ongoing behaviour etc.
 - Does the situation warrant measures to minimise the risk of ongoing harm? Look at if it is necessary for management to implement interim measures to minimise the risk to Staff health and safety. This may involve temporary reassigning tasks, separating the parties involved or granting requested leave.
 - Do we have a clear understanding of the issue? Seek additional information to ensure a clear understanding of who is involved and the behaviours thought to be bullying. Talk with witnesses and gather all known facts.
 - Can the matter be safely resolved between the parties or at a team level? Looking at if it is possible to reach an outcome to ensure the unreasonable and bullying behaviour ceases. A proposed resolution should be discussed with all the relevent parties and the individual who reported the behaviour to check that they are comfortable with it. This could include training, mentoring, or counselling.
 - Should the matter be progressed to formal disciplinary action or termination? Depending on the severity, complexity and risk to Staff health and wellbeing, some matters will require more stringent disciplinary action (eg: transfer or demotion) or termination of employment.
 - ✓ Should the process be delayed, for any reason, then all parties should be made aware of the delay, why and advised when the process is expected to resume.
 - ✓ All reports should be taken seriously and assessed on their merits and facts.
 - ✓ Confidentiality of all parties involved should be maintained. Details of the matter should only be known of those directly concerned.
 - ✓ The individual who is alledged to have been engaging in bullying behaviour should be treated fairly. They must be provided with the opportunity to address the allegations that have been brought against them.

Anti-Bullying Policy

Workplace Bullying

- ✓ Support for all parties should be made available to all parties involved. All parties should also be provided with the opportunity to have a support person to be present at interviews or meetings e.g. union representative etc.
- ✓ Written records should be kept by Management throughout the process and should document who made the report, when the report was made, who the report was made to, the details, what action had been taken and what further action needs to be taken, and follow up dates.
- ✓ The records should also be made of all conversations, meetings and interviews detailing who was present and outcomes.
- ✓ All parties will be informed of the resolution of the bullying allegations, why this outcome has been reached, and the resolution that has occurred as a result.
- ✓ If bullying behaviour is found to have occurred, the individual found to be exhibiting bullying behaviour, will receive a written warning, outlining the bullying behaviour displayed, the resolution reached, and the consequences of resuming the bullying behaviour in the workplace will be termination of employment.
- ✓ There should be a follow-up review to ensure the well-being of all parties involved and actions put in place to stop the bullying behaviour have been effective.
- ✓ If an investigation finds that workplace bullying has not occurred or can't be substantiated, Activity Centres Inc may still take appropriate action to address any workplace issues leading to the bullying report, of all parties involved.
- ✓ A staff member who reasonably believes that the outcome of the organisations investigation is not valid can apply to the Fair Work Commission for an anti-bullying order. Refer to –
http://www.fwc.gov.au/documents/antibullying/Guide_antibullying.pdf

Checklist for staff

- Bullying is defined as repeated undesirable behaviour towards an individual or group of individuals and can have health and safety implications on staff.
- Bullying should be reported to Management as soon as possible and can be reported by all Staff, including witnesses to undesirable behaviour.
- Management will investigate the allegations, ensuring confidentiality is maintained and all parties involved are treated fairly and have the opportunity and access to support.
- All parties involved will be provided with the outcome and conclusions of the investigation and the action being taken.
- Depending on the nature of the undesirable behaviour and the risk to the health and safety of Staff, disciplinary action will be taken if Staff are found to be engaging in bullying behaviour. Bullying behaviour is considered serious misconduct and can result in termination of employment.
- If Staff are not happy with the findings of the organisation they can apply to the Fair Work Commission for an anti-bullying order.

_____ end of policy _____

Policy is only endorsed if initialled by 2 members of the management committee

Endorsed by the Management Committee on the 28th May 2018

Anti-Bullying Policy-Workplace Bullying is to be reviewed by the 28th May 2021