

2.8 Bullying Policy

Purpose

Tasmanian Leaders (TL) believes that all people should work in an environment that is free from bullying. Tasmanian Leaders understands that workplace bullying is a threat to the health and wellbeing of its staff, participants and others associated with the organisation.

Accordingly, TL is committed to eliminating, so far as is reasonably practicable, all forms of workplace bullying and/or harassment by maintaining a culture of openness, support and accountability.

This policy applies to all individuals associated with Tasmanian Leaders, including employees, Board members, participants, volunteers, contractors, clients, partners, and any other stakeholders.

Definitions

Bullying is repeated and unreasonable behaviour directed towards a person or group of persons that creates a risk to health and safety. It includes behaviour that could be expected to intimidate, offend, degrade, humiliate, undermine or threaten.

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

Unreasonable behaviour is behaviour that a reasonable person, having considered the circumstances would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Examples of behaviour, whether intentional or unintentional, that may be considered to be workplace bullying if they are repeated, unreasonable and create a risk to health and safety include but are not limited to:

- 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 to the detriment of the worker
- spreading misinformation or malicious rumours
- changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker or workers.

Workplace bullying can be carried out in a variety of ways including through email, text or social media channels.

Workplace bullying can occur between workers (sideways), from managers to workers (downwards), or workers to supervisors/managers (upwards).

Reasonable management action is not considered to be workplace bullying if it is carried out lawfully and in a reasonable manner in the circumstances. Examples of reasonable management action include but are not limited to:

- setting reasonable performance goals, standards and deadlines
- deciding not to select a worker for promotion where a reasonable process is followed

- informing a worker about unsatisfactory work performance in an honest, fair and constructive way
- taking disciplinary action, including suspension or terminating employment.

Differences of opinion and disagreements are generally not considered to be workplace bullying. Bullying that directly inflicts physical pain, harm, or humiliation amounts to assault and should be dealt with as a police matter

Policy

Tasmanian Leaders has a duty of care to provide a safe workplace, so far as is reasonably practicable, that workers and other people are not exposed to health and safety risks. As such any reported allegations of workplace bullying will be promptly, thoroughly and fairly investigated.

Bullying complaints will be handled in a confidential and procedurally fair manner. Where confidentiality cannot be guaranteed this will be clearly communicated to the relevant parties. All parties will be treated with respect.

The person against whom the allegation is made has the right to natural justice. That is to say the right to know what is alleged against them, the right put their case in reply, and the right for any decision to be made by an impartial decision maker.

Procedures:

Tasmanian Leaders has processes in place to address any instance of workplace bullying, the processes for informal, formal and for dealing with criminal conduct are outlined in both the Psychosocial Safety Policy and the Dispute Resolution Policy. An overview is provided below:

Reporting

TL has an Incident Reporting Form via Gravity forms and all incidents, safety issues, hazards and near misses are reported via this procedure. Once notified the EO has initial responsibility to assess report, put in place any mitigations and report to the CEO and to FAR.

Complaints Procedures

If an employee, volunteer or participant feels comfortable in doing so, it is preferable to raise the issue with the person directly with a view to resolving the issue by discussion. The employee should identify the offensive behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stops.

If the behaviour continues, or if the employee feels unable to speak to the person(s) directly, they should contact the CEO or their delegate (this maybe someone within the staff team or Board with whom they feel safe to raise the allegations) who will provide support and ascertain the nature of the complaint.

Informal Intervention

The manager will explain the rights and responsibilities of the employee or volunteer under the relevant policy and procedures.

Informal intervention may be done through a process of either mediation or conciliation. During informal intervention the respondent will be made aware of the allegations being made against them and given the right to respond. Interventions at this stage should adopt a confidential, non-confrontational approach with a view to resolving the issue.

This procedure will be complete when the alleged harasser respects the individual's request to cease unwanted and unwelcome behaviour, or when the complainant accepts that the behaviour is not properly described as bullying. If neither of these outcomes occurs, the organisation's formal procedure should be followed.

Formal Complaints Procedure

The formal complaint procedure involves a formal investigation of the complaint. Formal investigations may be conducted internally (by the CEO or their delegate) or by an external investigator.

An investigation involves collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred. Once a finding is made, the investigator will make recommendations about resolving the complaint. The investigator may need to interview the parties involved (which may include the complainant, the respondent, and any witnesses) to obtain information regarding the complaint. The investigator will comprehensively and accurately document all information obtained during the interviews including the parties involved, timing, location, and nature of conduct complained against.

If the investigator considers it appropriate for the safe and efficient conduct of an investigation, workplace participants may be stood down from work or provided with alternative duties during an investigation in which case they will be paid their normal pay during any such period.

Throughout the investigation process, all parties involved in the investigation will be regularly kept informed about the investigation.

The findings as to whether bullying has occurred will be determined on the basis of the evidence, and on the balance of probabilities.

On the basis of the findings, possible outcomes of the investigation may include, but will not be limited to, any combination of the following:

- Counselling
- Disciplinary action (including an up to termination of employment)
- Official warning
- Formal apology and/or an undertaking that the behaviour will cease
- Mediation where the parties to the complaint agree to a mutually acceptable resolution.

Next steps

On completion of the investigation, all parties will be informed about the investigation findings and the outcome of the investigation.

Following an investigation concerning a bullying complaint (irrespective of the findings), the manager concerned will:

- consult with the parties involved to monitor the situation and their wellbeing; and
- educate and remind all employees and volunteers of their obligations and responsibilities in relation to providing a workplace free from bullying.

Procedures for Dealing with Criminal Conduct

Some forms of severe bullying (physical attack, for example, or obscene phone calls) may constitute criminal conduct. While Tasmanian Leaders is committed to treat most complaints about bullying at an organisational level as far as possible, this type of conduct is not suited to internal resolution. Such complaints should be treated by the criminal justice system. Employees, participants or

volunteers should be advised of the option of police support or intervention. It is not the obligation or duty of the organisation to report such matters to the police on behalf of the complainant.

Related documents

- Psychosocial Safety Policy
- Diversity and Inclusion Policy
- Sexual Harassment Policy
- Anti-Discrimination Policy
- Mental Health Policy
- Dispute Resolution Policy

This policy was adapted from The Institute of Company Directors Policy Bank

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