



Harassment, Bullying and Violence in the Workplace Procedure

WHS-PRO-010 Harassment, Bullying and Violence in the Workplace Procedure					
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PURPOSE

The purpose of this procedure is to establish and maintain a Zero Tolerance culture towards bullying, harassment, violence and aggression throughout the organisation. Sydney Harbour Federation Trust is committed to supporting and promoting an organisational culture where all employees can enjoy good working relationships with each other, in a workplace free from offensive behaviour and where diversity is respected and acknowledged.

SCOPE

This procedure applies to any form of harassment or behaviour which is not asked for and not wanted, where it offends, upsets, humiliates or scares another person or creates an intimidating, hostile or offensive work environment. This also includes all forms of violence including verbal abuse, physical violence, intimidation, bullying and threats.

REFERENCES

- AS/NZS 4801:2001 OH&S Management Systems – 4.4.6 Hazard identification, hazard/risk assessment and control of hazards
- Commonwealth Anti-Discrimination Act 1977
- SafeWork Australia - Dealing With Workplace Bullying - A Employee's Guide
- Sydney Harbour Federation Trust Code of Conduct

DEFINITIONS

Harassment

Any behaviour which is not asked for and not wanted, where it offends, upsets, humiliates or scares another person or creates an intimidating, hostile or offensive work environment.

Workplace bullying

Generally defined as repeated and unreasonable behaviour directed towards an employee or a group of employees that creates a risk to health and safety.

Violence and aggression

Includes verbal and emotional abuse or threats; and physical attack to an individual or to property by another individual or group. The impact of violence on a victim depends on the severity of the violence, his or her own experiences, skills and personality.

Employee

For the purposes of this policy, the term employee also includes volunteers.

FORMS

All documents relating to the management of the complaint, regardless of the outcome, should be kept on a confidential file.

The findings from the investigation will dictate what, if any, information regarding the matter is to be placed on the personnel file of a person against whom a complaint was made out, or the complainant's personnel file where vexatious or malicious claims have been made.

ACTIONS AND RESPONSIBILITIES

Harassment and Bullying in the Workplace

- Sydney Harbour Federation Trust is committed to supporting and promoting an organisational culture where all employees can enjoy good working relationships with each other, in a workplace free from offensive behaviour and where diversity is respected and acknowledged.
- This procedure applies to any form of harassment and bullying which is:
 - sexual or sex based, racial (including colour, nationality & ethnicity), religious, or relates to a person's;
 - marital status (including family responsibilities),
 - disability,
 - age (including compulsory retirement),
 - pregnancy,
 - homosexuality
- Sydney Harbour Federation Trust adopt the following: -
 - Harassment will not be tolerated and a proper standard of conduct and behaviour is required to be maintained in the workplace at all times.
 - Any complaint of harassment will be treated with the utmost urgency.
 - Complaints will be investigated impartially and the complainant advised of the outcome.
 - Complainants and witnesses will not be victimised.
 - If after investigation, the claim of harassment is proven, the following action may be taken: -
 - warning and counselling on misconduct (Performance Management)
 - closer supervision of the conduct of the offender
 - Referral to police for investigation
 - Dismissal

Violence in the Workplace

- Sydney Harbour Federation Trust recognises its duty of care towards persons present at our workplaces and violent acts include:
 - Verbal abuse, in person or over the telephone
 - Written abuse
 - Harassment, Threats, Physical or sexual assault
 - Robbery (Armed or otherwise)
 - Malicious damage to the property of staff, customers or the business
 - Internal violence - Employees can be at risk of violence from co-employees, supervisors, managers or other staff. Common types of violence include harassment, bullying, peer pressure and verbal or physical abuse. Violence can also come from former employees seeking revenge on the business, its manager or other staff.
 - Violence from external sources - This may be of two types:
 - Material gain: where offenders are motivated to seek money, drugs or valuable goods.

- Non-material gain: this can include sexual assault, hostage taking and incidental violence to other people in the area immediately near the workplace.

Resolving Complaints of Workplace Bullying, Harassment and Violence

- Sydney Harbour Federation Trust encourages all employees to report workplace bullying, harassment and/or violence. Managers and supervisors shall ensure employees who make complaints, or employees who provide witness statements are not victimised in any way.
- Disciplinary action will be taken against any person who victimises an employee who:
 - Lodges a complaint of workplace bullying, harassment and/or violence;
 - Intervenes on behalf of another person to prevent an occurrence of workplace bullying, harassment and/or violence;
 - Is required to provide witness statements during an investigation.
- The person who is the subject of the workplace bullying, harassment and/or violence complaint is not to be deemed guilty of the allegation until proven.
- The person/s a complaint is made against and any witnesses should also be protected from victimisation. It is important to ensure that anyone who raises an issue of workplace bullying, harassment and/or violence is not victimised for doing so.
- Once a complaint is made, the employees involved shall be advised of the support options available.
- The person the allegations have been made against shall also be advised of the same support available to them.
- All employees shall be treated with sensitivity, respect and courtesy and the matter is to be treated confidentially.
- All employees involved shall be advised they can have a support present at interviews or meetings.
- There are both internal and external processes available for dealing with workplace bullying, harassment and/or violence complaints. External procedures fall under the jurisdiction of external organisations such as Comcare, the Anti-Discrimination Board, or the Industrial Relations Commission.

Procedure for Managing Complaints – Informal Resolution

- Employees are encouraged to try to resolve issues of workplace bullying and harassment at the local level, either directly with the person/s they believe is responsible for the bullying or harassment or with the support and guidance of their Manager or Supervisor.
- In managing complaints – Informal resolution, the following steps shall be followed by the Manager:

Step 1: Keep a diary

- Bullying can sometimes be difficult to prove if it is subtle or covert, in these circumstances, it may be helpful to keep a diary detailing each bullying incident.
- Make detailed notes of what is happening – be sure to include places, dates, times, persons involved (both those involved and witnesses), what was said or done, what attempts were made to resolve the matter and the outcome of the resolution process.

- Ensure that your records are accurate and factual. This information may be useful later, particularly if the matter is unresolved or escalates.

Step 2: Resolve any issues in a respectful manner directly with the other person

- You can seek resolution of the issue directly and in a respectful manner with the person/s involved. This is done through a verbal or written request for the person/s to stop the unacceptable behaviour.
- You may invite a support person (this can be a work colleague or union representative) to be present when you make your request of the person/s to stop the unacceptable behaviour.
- When communicating directly with the other person, do so respectfully by:
 - Stating the purpose of the conversation;
 - Describing the behaviour specifically;
 - Describing the effect of the behaviour on you;
 - Giving the other person an opportunity to respond;
 - Stating what you would like them to do differently; and
 - Asking the other person to take responsibility for not engaging in the behaviour and stating your support for positive workplace behaviour.

Step 3: If the issue remains unresolved, or you feel unable to resolve the issue directly, you can refer to the Director

- The Manager should be the first point of contact to:
- Provide access to confidential advice and support;
- Determine the seriousness of the allegation. All managers are required to undertake an objective and impartial assessment of a bullying concern that is brought to their attention
- Attempt to impartially resolve issues at the local level by the agreed procedure;
- Act promptly and ensure investigation of the complaint begins immediately;
- After investigation, subsequent steps may involve:
 - Laying the ground rules for acceptable behaviour; or
 - Specifying particular changes required in behaviour or work practices; or
 - Providing refresher training on Code of Conduct and/or Promoting a positive workplace for the work team: or
 - Disciplinary action.

Step 4: If you are unable to refer the issue to your work Site Manager, or you believe that your Director may not act impartially, then you need to escalate the matter to the next level of management.

Procedure for Managing Complaints – Formal Resolution

- When informal resolution procedures do not adequately resolve the matter, or the employee decides not to use the informal procedures he/she may follow the formal workplace bullying, harassment and/or violence complaint resolution procedure.
- If the situation cannot be resolved satisfactorily, the employee shall formally report the problem to the Director and the complaint shall be documented.
- The Director shall either conduct the investigation immediately or request an investigation by an objective third party Investigator.
- The identity of the employee(s) or the circumstances of the complaint shall not be disclosed except where disclosure is necessary as part of the investigation or disciplinary process or where required by law.
- Both the complainant and the alleged offender shall be informed of the results of the investigation.

Investigations

- To ensure the investigation process is conducted in a fair, objective and timely way it is important to inform the parties about:
 - who is conducting the investigation
 - conflicts of interest—these should be declared before the investigation proceeds
 - their obligations and the obligations of the investigator regarding confidentiality
 - their right to seek independent advice and representation
 - the expected timeframes of the investigation
 - how the issue will be investigated e.g. interviews with the parties and witnesses or viewing documentary evidence
 - who will receive copies of statements and records of interviews (if obtained)
 - who can be present at interviews
 - what support mechanisms will be in place for each party, including any interim measures to ensure the health and safety of the parties during the investigation process, and
 - possible outcomes (e.g. disciplinary action) and rights of appeal and review.
- Where the investigator is not the decision-maker, at the end of an investigation, the investigator should provide an objective report to Sydney Harbour Federation Trust who will then use the findings and recommendations of the investigation to make a decision.
- The report should outline:
 - the report that was investigated
 - the investigation process
 - all relevant evidence (including who was interviewed), and
 - the findings of the investigation as to whether the alleged bullying occurred.

Training

- Every employee receives Induction training for which should include information on:
 - the standards of behaviour expected in the workplace including the use of social media if relevant
 - how workplace bullying should be reported and how such reports are managed
 - where to go for more information and assistance.