

HR - Policy - Bullying, Discrimination & Harassment

Headway Gippsland Inc. is committed to providing staff and participants with an environment free from all forms of unlawful harassment, bullying and victimisation. All staff, participants and their carers have the right to be treated with consideration, fairness, dignity and respect. This contributes to a workplace environment in which individuals feel safe and can work, or receive services effectively competently and confidently.

Headway Gippsland Inc. has a “zero tolerance” policy and will investigate vigorously any allegations of bullying or harassment, regardless of whether the matter has been raised formally or informally.

Definitions

Harassment

Harassment is unwelcome conduct that might reasonably cause a person to be offended, humiliated or intimidated. It can occur as a single incident or a series of incidents.

Bullying

Bullying is repeated unreasonable treatment of a person by another or others in the workplace. It includes behaviour that intimidates, offends, degrades or humiliates a worker and which creates a risk to health and safety.

Victimisation

Unfairly treating people for complaining or helping others to complain, either within our organisation or to the Equal Opportunity Commission.

Scope

This policy is relevant to all management and staff of Headway Gippsland Inc.; all participants and their carers/representatives and volunteers.

Employee Rights & Responsibilities

- The right not to be harassed, bullied or victimised at work.
- The right to be protected by the employer from these behaviours.
- The right to complain if they are being harassed, bullied or victimised in the course of their work.
- The right to be supported to make a complaint/or report of harassment, bullying or victimisation.
- The right to work in an environment free from harassment, bullying and victimisation.
- The responsibility not to harass, bully or victimise other staff, participants or their carers.

Employer Rights & Responsibilities

The right to:

- Control, direct and monitor work performance.
- Give legitimate comment on performance or work-related behaviour.

The responsibility to:

- Ensure that the workplace is free from harassment, bullying and victimisation.
- Take all reasonable steps to prevent these behaviours.
- Respond quickly, seriously and effectively to any complaints.

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Participant Rights & Responsibilities

The right:

- Not to be harassed, bullied or victimised.
- To report any issues of harassment, bullying or victimisation.
- Be supported to make a complaint of harassment, bullying or victimisation.
- To have complaints responded to quickly, seriously and effectively.

A responsibility not to harass, bully or victimise Headway Gippsland Inc. employees.

Workplace Bullying

Workplace bullying is repeated and unreasonable behaviour directed towards a worker, or a group of workers, that creates a risk to health and safety. It includes both physical and psychological risks and abuse.

Bullying behaviours can take many different forms, from the obvious to the subtler:

- Repeated hurtful remarks or attacks, or making fun of your work or you as a person (including your family, sex, sexuality, gender identity, race or culture, education or economic background;)
- Sexual harassment, particularly unwelcome touching and sexually explicit comments and requests that make you uncomfortable;
- Excluding you or stopping you from working with people or taking part in activities that relate to your work;
- Playing mind games, ganging up on you, or other types of psychological harassment;
- Intimidation (making you feel less important and undervalued);
- Giving you pointless tasks that have nothing to do with your job;
- Giving you impossible jobs that can't be done in the given time or with the resources provided;
- Deliberately changing your work hours or schedule to make it difficult for you;
- Deliberately holding back information you need for getting your work done properly
- Pushing, shoving, tripping, grabbing you in the workplace;
- Attacking or threatening with equipment, knives, guns, clubs or any other type of object that can be turned into a weapon; and initiation or hazing - where you are made to do humiliating or inappropriate things in order to be accepted as part of the team.

The above examples do not represent a complete list of bullying behaviours. They are indicative of the type of behaviours which may constitute bullying and are totally unacceptable at Headway Gippsland.

A single incident of unreasonable behaviour does not usually constitute bullying. However, it should not be ignored as it may have the potential to escalate into bullying behaviour. Your safety and wellbeing are important. A person's Intention is irrelevant when determining if bullying has occurred. Bullying can occur unintentionally, where actions which are not intended to victimise, humiliate, undermine or threaten a person actually have that effect.

Bullying in the workplace is harmful not only to the target of the behaviour but also damages culture and reputation. It is unacceptable and will not be tolerated. Some types of workplace bullying are criminal

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offences. If you have experienced violence, assault and stalking you should report it directly to the police.

What Does Not Constitute Workplace Bullying?

Managing staff does not constitute bullying, if it is done in a reasonable manner. Managers do have the right, and are obliged to, manage their staff. This includes directing the way in which work is performed, undertaking performance reviews and providing feedback (even if negative) and disciplining and counselling staff. Examples of reasonable management practices include:

- setting reasonable performance goals, standards and deadlines in consultation with workers and after considering their respective skills and experience
- allocating work fairly
- fairly rostering and allocating working hours
- transferring a worker for legitimate and explained operational reasons
- deciding not to select a worker for promotion, following a fair and documented process
- informing a worker about unsatisfactory work performance in a constructive way and in accordance with any workplace policies or agreements
- informing a worker about inappropriate behaviour in an objective and confidential way
- implementing organisational changes or restructuring, and
- performance management processes.

Reporting Workplace Bullying

If you feel safe and confident, you can approach the person who is bullying you and tell them that their behaviour is unwanted and not acceptable. If you are unsure how to approach them, you might be able to get advice from a colleague or line-manager; and if the situation has not changed after complaining to your line-manager, or if there is not anyone you can safely talk to at work you can get outside information and advice.

If you have made a complaint to your line-manager and feel that there have not been adequate steps taken to stop the bullying, there are a number of other options that you can take to get help.

The Commonwealth Fairwork Ombudsman can provide information and advice about Australia's workplace rights and rules and the protection you have against harassment and discrimination.

Breaches Of This Policy

Headway Gippsland takes very seriously its commitment to providing a safe and healthy work environment, free from bullying. All employees 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 terminated or not renewed.

If a person makes a false complaint, or a complaint in bad faith (e.g. making up a complaint to get someone else in trouble, or making a complaint where there is no foundation for the complaint), that person may be disciplined and or have their employment terminated.

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The Workplace

Is considered to be the office, participant homes, residential facilities and the broader community when providing community access.

Application

This policy is applicable to Headway Gippsland Inc. in all its operations and services including those situations where employees are required to work off site.

Any reference to an employee includes a reference to any independent contractor engaged by the employer and any employees of, or duties undertaken by the independent contractor.

References

Charter of Human Rights and Responsibilities Act (2006) (Victoria)

Australian Human Rights Commission Act 1986 (Commonwealth)

Crimes Act 1958

Occupational Health and Safety Act 2004

Fair Work Act 2009 (Commonwealth)

Victorian Equal Opportunity Act 2009