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# Workplace Bullying Policy and Procedure

## Policy

League Engineering Services Pty Ltd is committed to providing its employees with a safe work environment that is free from inappropriate behaviour and will take all reasonable steps to minimise any form of workplace bullying.

Workplace bullying towards any employee, contractor, consultant, volunteer, supplier, customer, client or visitor in any work related situation will not be tolerated by League Engineering Services Pty Ltd under any circumstances.

League Engineering Services Pty Ltd recognises that workplace bullying may involve comments and behaviours that offend some people and not others. The management of League Engineering Services Pty Ltd acknowledges that individuals may react differently to these comments and behaviour and therefore expects its employees to maintain a standard of behaviour that is respectful of everyone at all times.

It is important for employees to be aware that workplace bullying does not include the legitimate exercise of authority by an employer or manager/supervisor to direct and control how an employee performs their duties whilst at work, to monitor workflow or to provide feedback to employees about their performance.

For the purpose of this Workplace Bullying Policy, the following applies:

- Bullying is defined as the repeated and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety.
- Unreasonable behaviour means behaviour that a reasonable person, having regard to the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.
- Repeated behaviour refers to the persistent nature of the behaviour, not the specific form of the behaviour. For example, the bullying may involve a variety of unreasonable and inappropriate behaviours such as verbal abuse, persistent and unwarranted criticism and open or implied treats of being demoted or terminated.
- Risk to health or safety includes the risk to the physical or emotional health of the employee or employees concerned.
- Occupational violence in the workplace can be defined as any incident where an employee is physically attacked or threatened in the workplace.

The following are examples of workplace bullying:

- verbal abuse, yelling, screaming or offensive language;
- spreading gossip or rumours;
- constant, unwarranted criticism;
- intimidating behaviour;
- denying opportunities for training, promotion or interesting work; or
- excluding or isolating employees.

League Engineering Services Pty Ltd advises that incidents of occupational violence may, in fact, constitute criminal assault, and therefore League Engineering Services Pty Ltd will report any instances of occupational violence to the appropriate authorities.

Any employee found guilty of perpetrating or permitting workplace bullying, or making malicious, vexatious or frivolous allegations of workplace bullying will be subject to disciplinary action up to and including termination of employment.

League Engineering Services Pty Ltd recognises the rights of the employee accused of workplace bullying to be treated in accordance with the principles of natural justice. This includes the right to know full details of allegations against them, a right to reply to those allegations, a presumption of innocence until evidence against them shows otherwise and due consideration of information provided by the employee accused of workplace bullying.

As part of League Engineering Services Pty Ltd commitment to minimising and eliminating instances of workplace bullying at work, League Engineering Services Pty Ltd will:

- provide training workshops or information sessions for all employees relating to workplace bullying;
- provide training for managers/supervisors and other employees involved in the complaint resolution process and establish the complaint resolution procedures to be used when dealing with complaints of workplace bullying;
- distribute and regularly promote this Workplace Bullying Policy to all existing and new employees;
- model appropriate behaviour as management and monitor the working environment to ensure that the appropriate standards of behaviour and conduct are observed at all times;
- treat all complaints of workplace bullying seriously and take immediate action to investigate and resolve any complaint quickly, fairly and with complete confidentiality;
- ensure that employees who make or support a complaint of workplace bullying are not subsequently subjected to victimisation;
- take all reasonable steps to ensure there is no recurrence of the offence.

All employees have a responsibility to take reasonable care to protect their own health and safety whilst at work and to avoid adversely affecting the health and safety of any other person at work, as outlined in the *Work Health and Safety Act 2012*. Further, all employees have a responsibility to comply with this Workplace Bullying Policy by ensuring that they do not commit, encourage or condone bullying in the workplace.

Employees are also encouraged to offer assistance or support to any person being bullied, and to keep any complaint confidential by not discussing the details of the complaint with anyone outside of the normal complaints process.

Employees should be aware that they could be held personally liable for bullying another person, or aiding, abetting or encouraging other persons to bully and/or for condoning these types of actions.

To ensure that this policy is complied with, League Engineering Services Pty Ltd has appointed a coordinator on behalf of management, who will be responsible for the education and training of all staff on workplace bullying issues and to assist with the implementation of this policy.

Any employee who requires advice, information or support in relation to workplace bullying should contact their manager/supervisor, or a nominated contact officer to assist them in such matters.

For the purposes of this Workplace Bullying Policy, League Engineering Services Pty Ltd defines contract officers and grievance officers as follows:

- a contact officer will provide advice and support for any person who believes they have been bullied, even if they do not wish to take formal action. The contact officer will not be involved in any way with the formal investigation or resolution of a complaint;
- a grievance officer is responsible for conducting any necessary investigations into allegations of workplace bullying. This person is independent from the contact officer and will only become involved when a formal complaint is made.

If any employee feels that they have been bullied, they may make a complaint in accordance with the Workplace Bullying Procedure, or other appropriate procedures of League Engineering Services Pty Ltd. If an employee is not satisfied with the way their complaint has been handled by the organisation, they have the right to refer the matter to an external party.

## **Procedure**

Allegations and incidents of workplace bullying are often most effectively resolved if they are dealt with at an early stage, rather than left until the matter has become serious and attitudes entrenched. Therefore, League Engineering Services Pty Ltd encourages all employees to report all instances of workplace bullying as soon as they occur.

If, due to the circumstances, it is inappropriate to refer the complaint to a contact officer, the complaint should be referred to a person or authority in the organisation.

Employees, who believe that they are or have been bullied within the workplace, should report the incident(s) to a nominated contact officer.

To assist with the resolution of issues of workplace bullying in the workplace, League Engineering Services Pty Ltd provides employees with access to both formal and informal resolution procedures.

### **Informal Resolution Process**

Using the informal resolution process, the complainant, either directly or through a contact officer, may approach the individual who is the subject of the complaint and request that the offending behaviour stop. Alternatively, a manager/supervisor who observes unacceptable conduct occurring may take independent action even though no complaint has been made.

If the complainant consents, a mediation meeting may be organised where an independent party will assist to resolve the issues(s).

The basic principles behind the informal resolution process are that:

- participation is voluntary;
- both parties are required to be committed to resolving the issue;
- the focus is placed on the behaviour that is of concern, rather than on the individual or parties responsible for the behaviour;
- a non-blaming approach is used which attempts to change the behaviour rather than disciplining the individual or parties responsible;
- the individuals are responsible for their own behaviour and discussing how the situation may be resolved.

Where an issue is resolved informally, no written records will be kept on file and no disciplinary action will be taken against the alleged bully.

If the employee is not satisfied with the outcome of the informal resolution process, the employee may wish to proceed with the formal resolution process, or seek a remedy through an external party.

### **Formal Resolution Process**

If informal attempts have been unsuccessful, or if the behaviour is too serious to be dealt with using the informal resolution process, an employee may lodge a formal complaint. On receipt of a written formal complaint and if the matter is deemed to warrant further action, a grievance officer will be appointed to conduct an impartial and confidential investigation of the complaint to establish the facts.

The investigation will involve interviewing the employee(s) allegedly responsible for the workplace bullying, who will be offered the opportunity to respond to the allegations made against them. Any other person(s) who may have been involved, or who may have witnessed the incident(s), will also be interviewed as part of the investigation.

During any meetings or discussions, all parties will have the right to be represented or accompanied by a person of their choosing, such as a union representative, family member, friend or contact officer.

Throughout this process, management may consider the transfer or suspension on full pay of the alleged bully, pending the outcome of the investigation. If the complainant and the alleged bully are required to remain working together, steps will be taken in order to ensure that neither party is experiencing difficulties at work as a result of the complaint.

Following the investigation, the employee who has made the complaint will be informed of what action (if any) is going to be taken by League Engineering Services Pty Ltd and the reasons for such action, or lack of action being taken.

Should the employee accused of the workplace bullying be found guilty, they may be subject to disciplinary action, including:

- a verbal warning;
- a written warning;

- a final written warning;
- suspension;
- transfer to another task or section of the business; or
- dismissal.

In instances where the complaint is not substantiated, a record of the complaint will still be attached to both parties' personnel files, clearly outlining the findings of the investigation and the verdict reached. All parties shall have the right to appeal the finding.

If an employee is not comfortable approaching the nominated contact officer or other nominated representative of League Engineering Services Pty Ltd with a complaint of workplace bullying, or if they are not satisfied with the way their complaint has been handled by League Engineering Services Pty Ltd, they have the right to refer the matter to an external party such as the Fair Work Commission for resolution.

Related policies:

- Equal Opportunity Policy
- Gender Equality Policy
- Grievance Policy
- Sexual Harassment Policy.



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