



Policy Title: **WORKPLACE BULLYING POLICY**

Policy Type: **HUMAN RESOURCES**
 (Statutory, Financial, Administrative, Human Resources)

Policy Number: **HR020**

Approved by Council	Last Review	Current Review	Next Review
	19 May 2020	18 May 2021	17 May 2022
	Resolution #	Resolution #	Resolution #
	20.6632	21.6948	
Approved by CEO/Director:	Bernie McCarthy –	 Signature.	
Effective Date	18 May 2021		
Implementation Department	Officer Position		
Corporate Services	Human Resources Manager		
Revision #:	Document Management File #.		
6.0	01-03-HR022		

1. Policy Background/Scope

Aurukun Shire Council is committed to providing a safe and healthy work environment in which all workers are treated fairly, with dignity and respect. Bullying is a risk to the health and safety of the workplace. It is unacceptable and will not be tolerated by the Council.

This policy outlines the Council's commitment to a safe workplace and is aimed at ensuring, so far as it reasonably can, that employees are not subjected to any form of bullying while at work. It also details the legal responsibilities of the Council and employees in relation to preventing bullying in the workplace. This policy is an extension of Aurukun Shire Council's commitment to providing an environment of respect, honesty, fairness and dignity as stated in the Aurukun Shire Council Code of Conduct.

This policy covers all employees of the Council (whether full-time, part-time or casual) and all persons performing work at the direction of, in connection with, or on behalf of the Council (for example contractors, subcontractors, agents, consultants, and temporary staff) (collectively "workers").

This Policy extends to all functions and places that are work related, for example, work lunches, conferences, Christmas parties and client functions.

This Policy does not form part of any employee's contract of employment. Nor does it form part of any contract for service.

2. Responsibilities

Everyone in the workplace has a legal responsibility to prevent bullying from occurring. Under relevant health and safety legislation (the "Legislation") the Council has the primary duty to eliminate or minimise, as far as reasonable practicable, the risks to health and safety in the workplace. This duty includes the implementation of strategies to prevent workplace bullying.

This policy will assist the Council in complying with its legal responsibilities. Workers are also required under the Legislation to take reasonable care for their own health and safety, as well as that of others at the Council's workplace. They must also comply with any reasonable instruction given by the Council. Compliance with this policy will assist workers in meeting their legal responsibilities.

3. What is workplace bullying?

'Workplace bullying' is repeated, 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.

'Repeated behaviour' refers to the persistent nature of the behaviour and can refer to a range or pattern of behaviours over a period of time (for example, verbal abuse, unreasonable criticism, isolation and subsequently being denied opportunities – i.e.: a pattern is being established from a series of events).

'Unreasonable behaviour' means behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten another person.

'Cyberbullying' is the same as workplace bullying but using the Computer network to access the other person

4. Examples of workplace bullying

Bullying behaviours can take many different forms, from the obvious (direct) to the more subtle (indirect). The following are some examples of both direct and indirect bullying:

Direct bullying

- a) Abusive, insulting or offensive language;
- b) Spreading misinformation or malicious rumours;
- c) Behaviour or language that frightens, humiliates, belittles or degrades, including over criticising, or criticism that is delivered with yelling or screaming;
- d) Displaying offensive material;
- e) Inappropriate comments about a person's appearance, lifestyle, their family or sexual preferences;
- f) Teasing or regularly making someone the brunt of pranks or practical jokes;
- g) Interfering with a person's personal property or work equipment, or harmful or offensive initiation practices.
- h) Cyberbullying of other persons via Aurukun Shire Council's computer network.

Indirect bullying

- a) Setting tasks that are unreasonably below, or above, a person's skill level;
- b) Deliberately excluding or isolating a person from normal work activities;
- c) Withholding information that is necessary for effective work performance;
- d) Deliberately denying access to resources or workplace benefit and entitlements, for example training or leave.
- e) Deliberately changing work arrangements, such as rosters and leave, to inconvenience a particular worker or workers.

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 therefore unacceptable to the Council. A single incident of unreasonable behaviour does not usually constitute bullying. It should not however, be ignored as it may have the potential to escalate into bullying behaviour. 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 damages the Council's culture and reputation. It is unacceptable and will not be tolerated.

5. What does NOT constitute workplace bullying?

Managing staff does not constitute bullying, if it is done in a reasonable manner. Managers 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.

Reasonable management practices include, but are not limited to:

- a) Setting reasonable performance goals, standards and deadlines in consultation with workers and after considering their respective skills and experience;
- b) Allocating work fairly (fairly rostering and allocating working hours);
- c) Transferring a worker for legitimate and explained operational reasons;

- d) 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;
- e) Informing a worker about inappropriate behaviour in an objective and confidential way implementing organisational changes or restructuring, and performance management processes.

6. What steps will the Council take to prevent workplace bullying?

The Council will take all reasonable steps to prevent bullying through a risk management process. This process includes:

- a) Identification of bullying risk factors- these are things and situations which could contribute to bullying such as the way in which staff are managed, or organisational change such as redundancies (refer to the common risk factors set out below);
- b) Assessment of the likelihood of bullying occurring from the risk factors identified and their potential impact on the workers or workplace;
- c) Eliminating the risks, as far as reasonable practicable, or controlling, or minimising, them as far as reasonable practicable;
- d) Reviewing the effectiveness of the control methods put in place and the process generally; and
- e) Training workers about bullying, how to deal with it and its impact on the workplace.

7. What are some of the common risk factors which may lead to bullying?

Bullying can result from a number of different factors in a workplace, from the general culture to poor management skills. Some risk factors which make bullying more likely to occur are, but not limited to:

- a) Organisational change - significant change in the workplace may lead to job insecurity. For example, restructure and redundancy, introduction of technology, change in management.
- b) The culture – the Council’s values, views and beliefs can either expressly or implicitly encourage bullying behaviours, for example, when a Council promotes aggressive behaviour as a means of ensuring its workers are performing their roles, or adopts a culture in which it is acceptable to ignore such behaviours.
- c) Negative leadership styles – such as strict, autocratic management styles, which do not allow for flexibility or involvement by employees; or passive, or extreme ‘laissez-faire’ management styles which are characterized by a tendency to avoid decisions, inadequate supervision and little guidance to workers.
- d) Inappropriate systems of work – this includes excessive workloads, unreasonable timeframes, uncertainty about roles and how they should be performed, and lack of employee support.
- e) Poor work relationships –this can be characterized by poor communication between staff and management, or negative relationships with supervisors or colleagues, excessive criticism by manager and the exclusion or isolation of workers.
- f) Workforce characteristics – a Council’s workforce can be made up groups of workers who may be at a higher risk of bullying because of certain characteristics: for example, young workers, new workers, apprentices, injured

workers, workers in a minority group because of their race, disability, religion, gender or sexual preference.

The Council will consider these factors when undertaking its risk management process.

8. Complaint Procedure

If a worker feels that they have been bullied, they should not ignore it.

The Council has a complaint procedure for dealing with bullying (refer to Grievance Policy). The complaint procedure has numerous options available to suit the particular circumstances of each individual situation. The procedure should be referred to and followed.

9. Management's Role

Managers and Supervisors have a key role in the prevention of workplace bullying. Managers and Supervisors must:

- a) Ensure that they do not bully employees, other Managers or Supervisors, clients or customers;
- b) Ensure that they do not aid, abet or encourage other persons to engage in bullying behaviour; ensure all staff who report to them are aware and understand this policy and their responsibility to comply with it;
- c) Ensure that all staff who report to them understand that any bullying in any form is unacceptable and will not be tolerated by the Council;
- d) Act promptly and appropriately if they observe bullying behaviours;
- e) Ensure that all staff who report to them understand that they should report any bullying behaviour;
- f) Ensure all staff who report to them are aware and understand the complaint procedures;
- g) Act promptly if a complaint is made. If this is not possible, or is inappropriate, inform the Human Resources Manager as soon as possible.

10. Employee's Role

All employees must:

- a) Understand and comply with this policy;
- b) Ensure they do not engage in any conduct which may constitute bullying towards other workers, customers/clients or others with whom they come into contact through work;
- c) Ensure they do not aid, abet or encourage other persons to engage in bullying behaviour;
- d) Follow the Council's complaint procedure if they experience bullying;
- e) Report any bullying they see occurring to others in the workplace in accordance with this policy;
- f) Maintain confidentiality if they are involved in any incident or complaint.

11. Breach of this Policy

The Council takes very seriously its commitment to providing a safe and healthy work environment, free from bullying. All workers 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 with the Council 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 may be exposed to a defamation claim.

12. Where can I get more information?

If an employee is unsure about any matter covered by this policy, or requires more information about workplace bullying they should seek the assistance of their manager, or of the Human Resources Manager. They may also wish to seek external advice from the relevant regulatory authority, such as WorkCover, WorkSafe or SafeWork.

13. Related Documentation:

Code of Conduct Policy
Internet, Email and Computer Policy
Grievance Policy



ANNEXURE A

WORKER ACKNOWLEDGEMENT

I acknowledge that:

- I have received the Aurukun Shire Council's Workplace Bullying Policy and understand its effect;
- I must comply with the Aurukun Shire Council Workplace Bullying Policy; and
- There may be disciplinary consequences if I fail to comply with the policy, which may result in the termination of my employment, or the cancellation of my engagement, or the loss of my position.

Your name:

Signed:.....

Date: